

SENATE SUBSTITUTE
FOR
SENATE COMMITTEE SUBSTITUTE
FOR
HOUSE COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 2332

AN ACT

To repeal sections 192.2260, 192.2405, 301.559, 339.100, 400.9-501, 562.014, 565.030, 565.032, 565.040, 571.020, 571.030, 571.060, 571.063, 571.070, 571.072, 578.007, 579.015, and 632.520, RSMo, section 192.2410 as enacted by house revision bill no. 1299 merged with senate bill no. 491, ninety-seventh general assembly, second regular session, section 192.2475 as enacted by house revision bill no. 1299 merged with senate bill no. 491, ninety-seventh general assembly, second regular session, section 192.2475 as enacted by house revision bill no. 1299, ninety-seventh general assembly, second regular session, section 557.021 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, section 563.046 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, section 563.046 as enacted by senate bill no. 60, seventy-ninth general assembly, first regular session, section 565.188 as enacted by senate bills nos. 556 & 311, ninety-second general assembly, first regular session, section 568.040 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, section 569.090 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, section 577.001 as enacted by senate bill no. 254, ninety-eighth general assembly, first regular session, sections 577.010, 577.012, 577.013, and 577.014 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, section 577.037 as enacted by house bill no. 1371, ninety-seventh general assembly, second regular session, and section 577.060 as enacted by senate bill

no. 491, ninety-seventh general assembly, second regular session, and to enact in lieu thereof thirty-two new sections relating to restructuring the Missouri criminal code, with penalty provisions, an effective date for certain sections, and an emergency clause for a certain section.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,
AS FOLLOWS:

1 Section A. Sections 192.2260, 192.2405, 301.559, 339.100,
2 400.9-501, 562.014, 565.030, 565.032, 565.040, 571.020, 571.030,
3 571.060, 571.063, 571.070, 571.072, 578.007, 579.015, and
4 632.520, RSMo, section 192.2410 as enacted by house revision bill
5 no. 1299 merged with senate bill no. 491, ninety-seventh general
6 assembly, second regular session, section 192.2475 as enacted by
7 house revision bill no. 1299 merged with senate bill no. 491,
8 ninety-seventh general assembly, second regular session, section
9 192.2475 as enacted by house revision bill no. 1299, ninety-
10 seventh general assembly, second regular session, section 557.021
11 as enacted by senate bill no. 491, ninety-seventh general
12 assembly, second regular session, section 563.046 as enacted by
13 senate bill no. 491, ninety-seventh general assembly, second
14 regular session, section 563.046 as enacted by senate bill no.
15 60, seventy-ninth general assembly, first regular session,
16 section 565.188 as enacted by senate bills nos. 556 & 311,
17 ninety-second general assembly, first regular session, section
18 568.040 as enacted by senate bill no. 491, ninety-seventh general
19 assembly, second regular session, section 569.090 as enacted by
20 senate bill no. 491, ninety-seventh general assembly, second
21 regular session, section 577.001 as enacted by senate bill no.
22 254, ninety-eighth general assembly, first regular session,
23 sections 577.010, 577.012, 577.013, and 577.014 as enacted by

1 senate bill no. 491, ninety-seventh general assembly, second
2 regular session, section 577.037 as enacted by house bill no.
3 1371, ninety-seventh general assembly, second regular session,
4 and section 577.060 as enacted by senate bill no. 491, ninety-
5 seventh general assembly, second regular session, are repealed
6 and thirty-two new sections enacted in lieu thereof, to be known
7 as sections 192.2260, 192.2405, 192.2410, 192.2475, 301.559,
8 339.100, 400.9-501, 557.021, 562.014, 563.046, 565.030, 565.032,
9 565.040, 565.188, 568.040, 569.090, 571.020, 571.030, 571.060,
10 571.063, 571.070, 571.072, 577.001, 577.010, 577.012, 577.013,
11 577.014, 577.037, 577.060, 578.007, 579.015, and 632.520, to read
12 as follows:

13 192.2260. 1. Any person who violates any provision of
14 sections 192.2200 to 192.2260, or who, for himself or for any
15 other person, makes materially false statements in order to
16 obtain a certificate or license, or the renewal thereof, issued
17 pursuant to sections 192.2200 to 192.2260, shall be guilty of a
18 class A misdemeanor. Any person violating this subsection
19 wherein abuse or neglect of a participant of the program has
20 occurred is guilty of a class [D] E felony.

21 2. Any person who is convicted pursuant to this section
22 shall, in addition to all other penalties provided by law, have
23 any license issued to him under sections 192.2200 to 192.2260
24 revoked, and shall not operate, nor hold any license to operate,
25 any adult day care program, or other entity governed by the
26 provisions of sections 192.2200 to 192.2260 for a period of three
27 years after such conviction.

28 192.2405. 1. The following persons shall be required to

1 immediately report or cause a report to be made to the department
2 under sections 192.2400 to 192.2470:

3 (1) Any person having reasonable cause to suspect that an
4 eligible adult presents a likelihood of suffering serious
5 physical harm and is in need of protective services; and

6 (2) Any adult day care worker, chiropractor, Christian
7 Science practitioner, coroner, dentist, embalmer, employee of the
8 departments of social services, mental health, or health and
9 senior services, employee of a local area agency on aging or an
10 organized area agency on aging program, emergency medical
11 technician, firefighter, first responder, funeral director, home
12 health agency, home health agency employee, hospital and clinic
13 personnel engaged in the care or treatment of others, in-home
14 services owner or provider, in-home services operator or
15 employee, law enforcement officer, long-term care facility
16 administrator or employee, medical examiner, medical resident or
17 intern, mental health professional, minister, nurse, nurse
18 practitioner, optometrist, other health practitioner, peace
19 officer, pharmacist, physical therapist, physician, physician's
20 assistant, podiatrist, probation or parole officer, psychologist,
21 social worker, or other person with the responsibility for the
22 care of [a person sixty years of age or older] an eligible adult
23 who has reasonable cause to suspect that [such a person] the
24 eligible adult has been subjected to abuse or neglect or observes
25 [such a person] the eligible adult being subjected to conditions
26 or circumstances which would reasonably result in abuse or
27 neglect. Notwithstanding any other provision of this section, a
28 duly ordained minister, clergy, religious worker, or Christian

1 Science practitioner while functioning in his or her ministerial
2 capacity shall not be required to report concerning a privileged
3 communication made to him or her in his or her professional
4 capacity.

5 2. Any other person who becomes aware of circumstances that
6 may reasonably be expected to be the result of, or result in,
7 abuse or neglect of [a person sixty years of age or older] an
8 eligible adult may report to the department.

9 3. The penalty for failing to report as required under
10 subdivision (2) of subsection 1 of this section is provided under
11 section 565.188.

12 192.2410. 1. A report made under section 192.2405 shall be
13 made orally or in writing. It shall include, if known:

14 (1) The name, age, and address of the eligible adult [or
15 person subjected to abuse or neglect];

16 (2) The name and address of any person responsible for care
17 of the eligible adult [or person subjected to abuse or neglect];

18 (3) The nature and extent of the condition of the eligible
19 adult [or person subjected to abuse or neglect]; and

20 (4) Other relevant information.

21 2. Reports regarding persons determined not to be eligible
22 adults as defined in section 192.2400 shall be referred to the
23 appropriate state or local authorities.

24 3. The department shall maintain a statewide toll-free
25 phone number for receipt of reports.

26 192.2475. 1. When any adult day care worker; chiropractor;
27 Christian Science practitioner; coroner; dentist; embalmer;
28 emergency medical technician; employee of the departments of

1 social services, mental health, or health and senior services;
2 employee of a local area agency on aging or an organized area
3 agency on aging program; firefighter; first responder; funeral
4 director; home health agency or home health agency employee;
5 hospital and clinic personnel engaged in examination, care, or
6 treatment of persons; in-home services owner, provider, operator,
7 or employee; law enforcement officer; long-term care facility
8 administrator or employee; medical examiner; medical resident or
9 intern; mental health professional; minister; nurse; nurse
10 practitioner; optometrist; other health practitioner; peace
11 officer; pharmacist; physical therapist; physician; physician's
12 assistant; podiatrist; probation or parole officer; psychologist;
13 or social worker has reasonable cause to believe that an in-home
14 services client has been abused or neglected, as a result of
15 in-home services, he or she shall immediately report or cause a
16 report to be made to the department. If the report is made by a
17 physician of the in-home services client, the department shall
18 maintain contact with the physician regarding the progress of the
19 investigation.

20 2. [When a report of deteriorating physical condition
21 resulting in possible abuse or neglect of an in-home services
22 client is received by the department, the client's case manager
23 and the department nurse shall be notified. The client's case
24 manager shall investigate and immediately report the results of
25 the investigation to the department nurse. The department may
26 authorize the in-home services provider nurse to assist the case
27 manager with the investigation.

28 3. If requested, local area agencies on aging shall provide

1 volunteer training to those persons listed in subsection 1 of
2 this section regarding the detection and report of abuse and
3 neglect pursuant to this section.

4 4.] Any person required in subsection 1 of this section to
5 report or cause a report to be made to the department who fails
6 to do so within a reasonable time after the act of abuse or
7 neglect is guilty of a class A misdemeanor.

8 [5.] 3. The report shall contain the names and addresses of
9 the in-home services provider agency, the in-home services
10 employee, the in-home services client, the home health agency,
11 the home health agency employee, information regarding the nature
12 of the abuse or neglect, the name of the complainant, and any
13 other information which might be helpful in an investigation.

14 [6.] 4. In addition to those persons required to report
15 under subsection 1 of this section, any other person having
16 reasonable cause to believe that an in-home services client or
17 home health patient has been abused or neglected by an in-home
18 services employee or home health agency employee may report such
19 information to the department.

20 [7.] 5. If the investigation indicates possible abuse or
21 neglect of an in-home services client or home health patient, the
22 investigator shall refer the complaint together with his or her
23 report to the department director or his or her designee for
24 appropriate action. If, during the investigation or at its
25 completion, the department has reasonable cause to believe that
26 immediate action is necessary to protect the in-home services
27 client or home health patient from abuse or neglect, the
28 department or the local prosecuting attorney may, or the attorney

1 general upon request of the department shall, file a petition for
2 temporary care and protection of the in-home services client or
3 home health patient in a circuit court of competent jurisdiction.
4 The circuit court in which the petition is filed shall have
5 equitable jurisdiction to issue an ex parte order granting the
6 department authority for the temporary care and protection of the
7 in-home services client or home health patient, for a period not
8 to exceed thirty days.

9 [8.] 6. Reports shall be confidential, as provided under
10 section 192.2500.

11 [9.] 7. Anyone, except any person who has abused or
12 neglected an in-home services client or home health patient, who
13 makes a report pursuant to this section or who testifies in any
14 administrative or judicial proceeding arising from the report
15 shall be immune from any civil or criminal liability for making
16 such a report or for testifying except for liability for perjury,
17 unless such person acted negligently, recklessly, in bad faith,
18 or with malicious purpose.

19 [10.] 8. Within five working days after a report required
20 to be made under this section is received, the person making the
21 report shall be notified in writing of its receipt and of the
22 initiation of the investigation.

23 [11.] 9. No person who directs or exercises any authority
24 in an in-home services provider agency or home health agency
25 shall harass, dismiss or retaliate against an in-home services
26 client or home health patient, or an in-home services employee or
27 a home health agency employee because he or she or any member of
28 his or her family has made a report of any violation or suspected

1 violation of laws, standards or regulations applying to the
2 in-home services provider agency or home health agency or any
3 in-home services employee or home health agency employee which he
4 or she has reasonable cause to believe has been committed or has
5 occurred.

6 [12.] 10. Any person who abuses or neglects an in-home
7 services client or home health patient is subject to criminal
8 prosecution under section 565.184. If such person is an in-home
9 services employee and has been found guilty by a court, and if
10 the supervising in-home services provider willfully and knowingly
11 failed to report known abuse by such employee to the department,
12 the supervising in-home services provider may be subject to
13 administrative penalties of one thousand dollars per violation to
14 be collected by the department and the money received therefor
15 shall be paid to the director of revenue and deposited in the
16 state treasury to the credit of the general revenue fund. Any
17 in-home services provider which has had administrative penalties
18 imposed by the department or which has had its contract
19 terminated may seek an administrative review of the department's
20 action pursuant to chapter 621. Any decision of the
21 administrative hearing commission may be appealed to the circuit
22 court in the county where the violation occurred for a trial de
23 novo. For purposes of this subsection, the term "violation"
24 means a determination of guilt by a court.

25 [13.] 11. The department shall establish a quality
26 assurance and supervision process for clients that requires an
27 in-home services provider agency to conduct random visits to
28 verify compliance with program standards and verify the accuracy

1 of records kept by an in-home services employee.

2 [14.] 12. The department shall maintain the employee
3 disqualification list and place on the employee disqualification
4 list the names of any persons who have been finally determined by
5 the department, pursuant to section 192.2490, to have recklessly,
6 knowingly or purposely abused or neglected an in-home services
7 client or home health patient while employed by an in-home
8 services provider agency or home health agency. For purposes of
9 this section only, "knowingly" and "recklessly" shall have the
10 meanings that are ascribed to them in this section. A person
11 acts "knowingly" with respect to the person's conduct when a
12 reasonable person should be aware of the result caused by his or
13 her conduct. A person acts "recklessly" when the person
14 consciously disregards a substantial and unjustifiable risk that
15 the person's conduct will result in serious physical injury and
16 such disregard constitutes a gross deviation from the standard of
17 care that a reasonable person would exercise in the situation.

18 [15.] 13. At the time a client has been assessed to
19 determine the level of care as required by rule and is eligible
20 for in-home services, the department shall conduct a "Safe at
21 Home Evaluation" to determine the client's physical, mental, and
22 environmental capacity. The department shall develop the safe at
23 home evaluation tool by rule in accordance with chapter 536. The
24 purpose of the safe at home evaluation is to assure that each
25 client has the appropriate level of services and professionals
26 involved in the client's care. The plan of service or care for
27 each in-home services client shall be authorized by a nurse. The
28 department may authorize the licensed in-home services nurse, in

1 lieu of the department nurse, to conduct the assessment of the
2 client's condition and to establish a plan of services or care.
3 The department may use the expertise, services, or programs of
4 other departments and agencies on a case-by-case basis to
5 establish the plan of service or care. The department may, as
6 indicated by the safe at home evaluation, refer any client to a
7 mental health professional, as defined in 9 CSR 30-4.030, for
8 evaluation and treatment as necessary.

9 [16.] 14. Authorized nurse visits shall occur at least
10 twice annually to assess the client and the client's plan of
11 services. The provider nurse shall report the results of his or
12 her visits to the client's case manager. If the provider nurse
13 believes that the plan of service requires alteration, the
14 department shall be notified and the department shall make a
15 client evaluation. All authorized nurse visits shall be
16 reimbursed to the in-home services provider. All authorized
17 nurse visits shall be reimbursed outside of the nursing home cap
18 for in-home services clients whose services have reached one
19 hundred percent of the average statewide charge for care and
20 treatment in an intermediate care facility, provided that the
21 services have been preauthorized by the department.

22 [17.] 15. All in-home services clients shall be advised of
23 their rights by the department or the department's designee at
24 the initial evaluation. The rights shall include, but not be
25 limited to, the right to call the department for any reason,
26 including dissatisfaction with the provider or services. The
27 department may contract for services relating to receiving such
28 complaints. The department shall establish a process to receive

1 such nonabuse and neglect calls other than the elder abuse and
2 neglect hotline.

3 [18.] 16. Subject to appropriations, all nurse visits
4 authorized in sections 192.2400 to 192.2475 shall be reimbursed
5 to the in-home services provider agency.

6 192.2475. 1. When any adult day care worker; chiropractor;
7 Christian Science practitioner; coroner; dentist; embalmer;
8 emergency medical technician; employee of the departments of
9 social services, mental health, or health and senior services;
10 employee of a local area agency on aging or an organized area
11 agency on aging program; firefighter; first responder; funeral
12 director; home health agency or home health agency employee;
13 hospital and clinic personnel engaged in examination, care, or
14 treatment of persons; in-home services owner, provider, operator,
15 or employee; law enforcement officer; long-term care facility
16 administrator or employee; medical examiner; medical resident or
17 intern; mental health professional; minister; nurse; nurse
18 practitioner; optometrist; other health practitioner; peace
19 officer; pharmacist; physical therapist; physician; physician's
20 assistant; podiatrist; probation or parole officer; psychologist;
21 or social worker has reasonable cause to believe that an in-home
22 services client has been abused or neglected, as a result of
23 in-home services, he or she shall immediately report or cause a
24 report to be made to the department. If the report is made by a
25 physician of the in-home services client, the department shall
26 maintain contact with the physician regarding the progress of the
27 investigation.

28 2. [When a report of deteriorating physical condition

1 resulting in possible abuse or neglect of an in-home services
2 client is received by the department, the client's case manager
3 and the department nurse shall be notified. The client's case
4 manager shall investigate and immediately report the results of
5 the investigation to the department nurse. The department may
6 authorize the in-home services provider nurse to assist the case
7 manager with the investigation.

8 3. If requested, local area agencies on aging shall provide
9 volunteer training to those persons listed in subsection 1 of
10 this section regarding the detection and report of abuse and
11 neglect pursuant to this section.

12 4.] Any person required in subsection 1 of this section to
13 report or cause a report to be made to the department who fails
14 to do so within a reasonable time after the act of abuse or
15 neglect is guilty of a class A misdemeanor.

16 [5.] 3. The report shall contain the names and addresses of
17 the in-home services provider agency, the in-home services
18 employee, the in-home services client, the home health agency,
19 the home health agency employee, information regarding the nature
20 of the abuse or neglect, the name of the complainant, and any
21 other information which might be helpful in an investigation.

22 [6.] 4. In addition to those persons required to report
23 under subsection 1 of this section, any other person having
24 reasonable cause to believe that an in-home services client or
25 home health patient has been abused or neglected by an in-home
26 services employee or home health agency employee may report such
27 information to the department.

28 [7.] 5. If the investigation indicates possible abuse or

1 neglect of an in-home services client or home health patient, the
2 investigator shall refer the complaint together with his or her
3 report to the department director or his or her designee for
4 appropriate action. If, during the investigation or at its
5 completion, the department has reasonable cause to believe that
6 immediate action is necessary to protect the in-home services
7 client or home health patient from abuse or neglect, the
8 department or the local prosecuting attorney may, or the attorney
9 general upon request of the department shall, file a petition for
10 temporary care and protection of the in-home services client or
11 home health patient in a circuit court of competent jurisdiction.
12 The circuit court in which the petition is filed shall have
13 equitable jurisdiction to issue an ex parte order granting the
14 department authority for the temporary care and protection of the
15 in-home services client or home health patient, for a period not
16 to exceed thirty days.

17 [8.] 6. Reports shall be confidential, as provided under
18 section 192.2500.

19 [9.] 7. Anyone, except any person who has abused or
20 neglected an in-home services client or home health patient, who
21 makes a report pursuant to this section or who testifies in any
22 administrative or judicial proceeding arising from the report
23 shall be immune from any civil or criminal liability for making
24 such a report or for testifying except for liability for perjury,
25 unless such person acted negligently, recklessly, in bad faith,
26 or with malicious purpose.

27 [10.] 8. Within five working days after a report required
28 to be made under this section is received, the person making the

1 report shall be notified in writing of its receipt and of the
2 initiation of the investigation.

3 [11.] 9. No person who directs or exercises any authority
4 in an in-home services provider agency or home health agency
5 shall harass, dismiss or retaliate against an in-home services
6 client or home health patient, or an in-home services employee or
7 a home health agency employee because he or she or any member of
8 his or her family has made a report of any violation or suspected
9 violation of laws, standards or regulations applying to the
10 in-home services provider agency or home health agency or any
11 in-home services employee or home health agency employee which he
12 or she has reasonable cause to believe has been committed or has
13 occurred.

14 [12.] 10. Any person who abuses or neglects an in-home
15 services client or home health patient is subject to criminal
16 prosecution under section 565.180, 565.182, or 565.184. If such
17 person is an in-home services employee and has been found guilty
18 by a court, and if the supervising in-home services provider
19 willfully and knowingly failed to report known abuse by such
20 employee to the department, the supervising in-home services
21 provider may be subject to administrative penalties of one
22 thousand dollars per violation to be collected by the department
23 and the money received therefor shall be paid to the director of
24 revenue and deposited in the state treasury to the credit of the
25 general revenue fund. Any in-home services provider which has
26 had administrative penalties imposed by the department or which
27 has had its contract terminated may seek an administrative review
28 of the department's action pursuant to chapter 621. Any decision

1 of the administrative hearing commission may be appealed to the
2 circuit court in the county where the violation occurred for a
3 trial de novo. For purposes of this subsection, the term
4 "violation" means a determination of guilt by a court.

5 [13.] 11. The department shall establish a quality
6 assurance and supervision process for clients that requires an
7 in-home services provider agency to conduct random visits to
8 verify compliance with program standards and verify the accuracy
9 of records kept by an in-home services employee.

10 [14.] 12. The department shall maintain the employee
11 disqualification list and place on the employee disqualification
12 list the names of any persons who have been finally determined by
13 the department, pursuant to section 192.2490, to have recklessly,
14 knowingly or purposely abused or neglected an in-home services
15 client or home health patient while employed by an in-home
16 services provider agency or home health agency. For purposes of
17 this section only, "knowingly" and "recklessly" shall have the
18 meanings that are ascribed to them in this section. A person
19 acts "knowingly" with respect to the person's conduct when a
20 reasonable person should be aware of the result caused by his or
21 her conduct. A person acts "recklessly" when the person
22 consciously disregards a substantial and unjustifiable risk that
23 the person's conduct will result in serious physical injury and
24 such disregard constitutes a gross deviation from the standard of
25 care that a reasonable person would exercise in the situation.

26 [15.] 13. At the time a client has been assessed to
27 determine the level of care as required by rule and is eligible
28 for in-home services, the department shall conduct a "Safe at

1 Home Evaluation" to determine the client's physical, mental, and
2 environmental capacity. The department shall develop the safe at
3 home evaluation tool by rule in accordance with chapter 536. The
4 purpose of the safe at home evaluation is to assure that each
5 client has the appropriate level of services and professionals
6 involved in the client's care. The plan of service or care for
7 each in-home services client shall be authorized by a nurse. The
8 department may authorize the licensed in-home services nurse, in
9 lieu of the department nurse, to conduct the assessment of the
10 client's condition and to establish a plan of services or care.
11 The department may use the expertise, services, or programs of
12 other departments and agencies on a case-by-case basis to
13 establish the plan of service or care. The department may, as
14 indicated by the safe at home evaluation, refer any client to a
15 mental health professional, as defined in 9 CSR 30-4.030, for
16 evaluation and treatment as necessary.

17 [16.] 14. Authorized nurse visits shall occur at least
18 twice annually to assess the client and the client's plan of
19 services. The provider nurse shall report the results of his or
20 her visits to the client's case manager. If the provider nurse
21 believes that the plan of service requires alteration, the
22 department shall be notified and the department shall make a
23 client evaluation. All authorized nurse visits shall be
24 reimbursed to the in-home services provider. All authorized
25 nurse visits shall be reimbursed outside of the nursing home cap
26 for in-home services clients whose services have reached one
27 hundred percent of the average statewide charge for care and
28 treatment in an intermediate care facility, provided that the

1 services have been preauthorized by the department.

2 [17.] 15. All in-home services clients shall be advised of
3 their rights by the department or the department's designee at
4 the initial evaluation. The rights shall include, but not be
5 limited to, the right to call the department for any reason,
6 including dissatisfaction with the provider or services. The
7 department may contract for services relating to receiving such
8 complaints. The department shall establish a process to receive
9 such nonabuse and neglect calls other than the elder abuse and
10 neglect hotline.

11 [18.] 16. Subject to appropriations, all nurse visits
12 authorized in sections 192.2400 to 192.2475 shall be reimbursed
13 to the in-home services provider agency.

14 301.559. 1. It shall be unlawful for any person to engage
15 in business as or act as a motor vehicle dealer, boat dealer,
16 manufacturer, boat manufacturer, public motor vehicle auction,
17 wholesale motor vehicle auction or wholesale motor vehicle dealer
18 without first obtaining a license from the department as required
19 in sections 301.550 to 301.573. Any person who maintains or
20 operates any business wherein a license is required pursuant to
21 the provisions of sections 301.550 to 301.573, without such
22 license, is guilty of a class A misdemeanor. Any person
23 committing a second violation of sections 301.550 to 301.573
24 shall be guilty of a class **[D]** E felony.

25 2. All dealer licenses shall expire on December
26 thirty-first of the designated license period. The department
27 shall notify each person licensed under sections 301.550 to
28 301.573 of the date of license expiration and the amount of the

1 fee required for renewal. The notice shall be mailed at least
2 ninety days before the date of license expiration to the
3 licensee's last known business address. The director shall have
4 the authority to issue licenses valid for a period of up to two
5 years and to stagger the license periods for administrative
6 efficiency and equalization of workload, at the sole discretion
7 of the director.

8 3. Every manufacturer, boat manufacturer, motor vehicle
9 dealer, wholesale motor vehicle dealer, wholesale motor vehicle
10 auction, boat dealer or public motor vehicle auction shall make
11 application to the department for issuance of a license. The
12 application shall be on forms prescribed by the department and
13 shall be issued under the terms and provisions of sections
14 301.550 to 301.573 and require all applicants, as a condition
15 precedent to the issuance of a license, to provide such
16 information as the department may deem necessary to determine
17 that the applicant is bona fide and of good moral character,
18 except that every application for a license shall contain, in
19 addition to such information as the department may require, a
20 statement to the following facts:

21 (1) The name and business address, not a post office box,
22 of the applicant and the fictitious name, if any, under which he
23 intends to conduct his business; and if the applicant be a
24 partnership, the name and residence address of each partner, an
25 indication of whether the partner is a limited or general partner
26 and the name under which the partnership business is to be
27 conducted. In the event that the applicant is a corporation, the
28 application shall list the names of the principal officers of the

1 corporation and the state in which it is incorporated. Each
2 application shall be verified by the oath or affirmation of the
3 applicant, if an individual, or in the event an applicant is a
4 partnership or corporation, then by a partner or officer;

5 (2) Whether the application is being made for registration
6 as a manufacturer, boat manufacturer, new motor vehicle franchise
7 dealer, used motor vehicle dealer, wholesale motor vehicle
8 dealer, boat dealer, wholesale motor vehicle auction or a public
9 motor vehicle auction;

10 (3) When the application is for a new motor vehicle
11 franchise dealer, the application shall be accompanied by a copy
12 of the franchise agreement in the registered name of the
13 dealership setting out the appointment of the applicant as a
14 franchise holder and it shall be signed by the manufacturer, or
15 his authorized agent, or the distributor, or his authorized
16 agent, and shall include a description of the make of all motor
17 vehicles covered by the franchise. The department shall not
18 require a copy of the franchise agreement to be submitted with
19 each renewal application unless the applicant is now the holder
20 of a franchise from a different manufacturer or distributor from
21 that previously filed, or unless a new term of agreement has been
22 entered into;

23 (4) When the application is for a public motor vehicle
24 auction, that the public motor vehicle auction has met the
25 requirements of section 301.561.

26 4. No insurance company, finance company, credit union,
27 savings and loan association, bank or trust company shall be
28 required to obtain a license from the department in order to sell

1 any motor vehicle, trailer or vessel repossessed or purchased by
2 the company on the basis of total destruction or theft thereof
3 when the sale of the motor vehicle, trailer or vessel is in
4 conformance with applicable title and registration laws of this
5 state.

6 5. No person shall be issued a license to conduct a public
7 motor vehicle auction or wholesale motor vehicle auction if such
8 person has a violation of sections 301.550 to 301.573 or other
9 violations of chapter 301, sections 407.511 to 407.556, or
10 section 578.120 which resulted in a felony conviction or finding
11 of guilt or a violation of any federal motor vehicle laws which
12 resulted in a felony conviction or finding of guilt.

13 339.100. 1. The commission may, upon its own motion, and
14 shall upon receipt of a written complaint filed by any person,
15 investigate any real estate-related activity of a licensee
16 licensed under sections 339.010 to 339.180 and sections 339.710
17 to 339.860 or an individual or entity acting as or representing
18 themselves as a real estate licensee. In conducting such
19 investigation, if the questioned activity or written complaint
20 involves an affiliated licensee, the commission may forward a
21 copy of the information received to the affiliated licensee's
22 designated broker. The commission shall have the power to hold
23 an investigatory hearing to determine whether there is a
24 probability of a violation of sections 339.010 to 339.180 and
25 sections 339.710 to 339.860. The commission shall have the power
26 to issue a subpoena to compel the production of records and
27 papers bearing on the complaint. The commission shall have the
28 power to issue a subpoena and to compel any person in this state

1 to come before the commission to offer testimony or any material
2 specified in the subpoena. Subpoenas and subpoenas duces tecum
3 issued pursuant to this section shall be served in the same
4 manner as subpoenas in a criminal case. The fees and mileage of
5 witnesses shall be the same as that allowed in the circuit court
6 in civil cases.

7 2. The commission may cause a complaint to be filed with
8 the administrative hearing commission as provided by the
9 provisions of chapter 621 against any person or entity licensed
10 under this chapter or any licensee who has failed to renew or has
11 surrendered his or her individual or entity license for any one
12 or any combination of the following acts:

13 (1) Failure to maintain and deposit in a special account,
14 separate and apart from his or her personal or other business
15 accounts, all moneys belonging to others entrusted to him or her
16 while acting as a real estate broker or as the temporary
17 custodian of the funds of others, until the transaction involved
18 is consummated or terminated, unless all parties having an
19 interest in the funds have agreed otherwise in writing;

20 (2) Making substantial misrepresentations or false promises
21 or suppression, concealment or omission of material facts in the
22 conduct of his or her business or pursuing a flagrant and
23 continued course of misrepresentation through agents,
24 salespersons, advertising or otherwise in any transaction;

25 (3) Failing within a reasonable time to account for or to
26 remit any moneys, valuable documents or other property, coming
27 into his or her possession, which belongs to others;

28 (4) Representing to any lender, guaranteeing agency, or any

1 other interested party, either verbally or through the
2 preparation of false documents, an amount in excess of the true
3 and actual sale price of the real estate or terms differing from
4 those actually agreed upon;

5 (5) Failure to timely deliver a duplicate original of any
6 and all instruments to any party or parties executing the same
7 where the instruments have been prepared by the licensee or under
8 his or her supervision or are within his or her control,
9 including, but not limited to, the instruments relating to the
10 employment of the licensee or to any matter pertaining to the
11 consummation of a lease, listing agreement or the purchase, sale,
12 exchange or lease of property, or any type of real estate
13 transaction in which he or she may participate as a licensee;

14 (6) Acting for more than one party in a transaction without
15 the knowledge of all parties for whom he or she acts, or
16 accepting a commission or valuable consideration for services
17 from more than one party in a real estate transaction without the
18 knowledge of all parties to the transaction;

19 (7) Paying a commission or valuable consideration to any
20 person for acts or services performed in violation of sections
21 339.010 to 339.180 and sections 339.710 to 339.860;

22 (8) Guaranteeing or having authorized or permitted any
23 licensee to guarantee future profits which may result from the
24 resale of real property;

25 (9) Having been finally adjudicated and been found guilty
26 of the violation of any state or federal statute which governs
27 the sale or rental of real property or the conduct of the real
28 estate business as defined in subsection 1 of section 339.010;

1 (10) Obtaining a certificate or registration of authority,
2 permit or license for himself or herself or anyone else by false
3 or fraudulent representation, fraud or deceit;

4 (11) Representing a real estate broker other than the
5 broker with whom associated without the express written consent
6 of the broker with whom associated;

7 (12) Accepting a commission or valuable consideration for
8 the performance of any of the acts referred to in section 339.010
9 from any person except the broker with whom associated at the
10 time the commission or valuable consideration was earned;

11 (13) Using prizes, money, gifts or other valuable
12 consideration as inducement to secure customers or clients to
13 purchase, lease, sell or list property when the awarding of such
14 prizes, money, gifts or other valuable consideration is
15 conditioned upon the purchase, lease, sale or listing; or
16 soliciting, selling or offering for sale real property by
17 offering free lots, or conducting lotteries or contests, or
18 offering prizes for the purpose of influencing a purchaser or
19 prospective purchaser of real property;

20 (14) Placing a sign on or advertising any property offering
21 it for sale or rent without the written consent of the owner or
22 his or her duly authorized agent;

23 (15) Violation of, or attempting to violate, directly or
24 indirectly, or assisting or enabling any person to violate, any
25 provision of sections 339.010 to 339.180 and sections 339.710 to
26 339.860, or of any lawful rule adopted pursuant to sections
27 339.010 to 339.180 and sections 339.710 to 339.860;

28 (16) Committing any act which would otherwise be grounds

1 for the commission to refuse to issue a license under section
2 339.040;

3 (17) Failure to timely inform seller of all written offers
4 unless otherwise instructed in writing by the seller;

5 (18) Been finally adjudicated and found guilty, or entered
6 a plea of guilty or nolo contendere, in a criminal prosecution
7 under the laws of this state or any other state or of the United
8 States, for any offense reasonably related to the qualifications,
9 functions or duties of any profession licensed or regulated under
10 this chapter, for any offense an essential element of which is
11 fraud, dishonesty or an act of violence, or for any offense
12 involving moral turpitude, whether or not sentence is imposed;

13 (19) Any other conduct which constitutes untrustworthy,
14 improper or fraudulent business dealings, demonstrates bad faith
15 or incompetence, misconduct, or gross negligence;

16 (20) Disciplinary action against the holder of a license or
17 other right to practice any profession regulated under sections
18 339.010 to 339.180 and sections 339.710 to 339.860 granted by
19 another state, territory, federal agency, or country upon grounds
20 for which revocation, suspension, or probation is authorized in
21 this state;

22 (21) Been found by a court of competent jurisdiction of
23 having used any controlled substance, as defined in chapter 195,
24 to the extent that such use impairs a person's ability to perform
25 the work of any profession licensed or regulated by sections
26 339.010 to 339.180 and sections 339.710 to 339.860;

27 (22) Been finally adjudged insane or incompetent by a court
28 of competent jurisdiction;

1 (23) Assisting or enabling any person to practice or offer
2 to practice any profession licensed or regulated under sections
3 339.010 to 339.180 and sections 339.710 to 339.860 who is not
4 registered and currently eligible to practice under sections
5 339.010 to 339.180 and sections 339.710 to 339.860;

6 (24) Use of any advertisement or solicitation which is
7 knowingly false, misleading or deceptive to the general public or
8 persons to whom the advertisement or solicitation is primarily
9 directed;

10 (25) Making any material misstatement, misrepresentation,
11 or omission with regard to any application for licensure or
12 license renewal. As used in this section, "material" means
13 important information about which the commission should be
14 informed and which may influence a licensing decision;

15 (26) Engaging in, committing, or assisting any person in
16 engaging in or committing mortgage fraud, as defined in section
17 443.930.

18 3. After the filing of such complaint, the proceedings will
19 be conducted in accordance with the provisions of law relating to
20 the administrative hearing commission. A finding of the
21 administrative hearing commissioner that the licensee has
22 performed or attempted to perform one or more of the foregoing
23 acts shall be grounds for the suspension or revocation of his
24 license by the commission, or the placing of the licensee on
25 probation on such terms and conditions as the real estate
26 commission shall deem appropriate, or the imposition of a civil
27 penalty by the commission not to exceed two thousand five hundred
28 dollars for each offense. Each day of a continued violation

1 shall constitute a separate offense.

2 4. The commission may prepare a digest of the decisions of
3 the administrative hearing commission which concern complaints
4 against licensed brokers or salespersons and cause such digests
5 to be mailed to all licensees periodically. Such digests may
6 also contain reports as to new or changed rules adopted by the
7 commission and other information of significance to licensees.

8 5. Notwithstanding other provisions of this section, a
9 broker or salesperson's license shall be revoked, or in the case
10 of an applicant, shall not be issued, if the licensee or
11 applicant has pleaded guilty to, entered a plea of nolo
12 contendere to, or been found guilty of any of the following
13 offenses or offenses of a similar nature established under the
14 laws of this, any other state, the United States, or any other
15 country, notwithstanding whether sentence is imposed:

16 (1) Any dangerous felony as defined under section 556.061
17 or murder in the first degree;

18 (2) Any of the following sexual offenses: rape in the
19 first degree, forcible rape, rape, statutory rape in the first
20 degree, statutory rape in the second degree, rape in the second
21 degree, sexual assault, sodomy in the first degree, forcible
22 sodomy, statutory sodomy in the first degree, statutory sodomy in
23 the second degree, child molestation in the first degree, child
24 molestation in the second degree, sodomy in the second degree,
25 deviate sexual assault, sexual misconduct involving a child,
26 sexual misconduct in the first degree under section 566.090 as it
27 existed prior to August 28, 2013, sexual abuse under section
28 566.100 as it existed prior to August 28, 2013, sexual abuse in

1 the first or second degree, enticement of a child, or attempting
2 to entice a child;

3 (3) Any of the following offenses against the family and
4 related offenses: incest, abandonment of a child in the first
5 degree, abandonment of a child in the second degree, endangering
6 the welfare of a child in the first degree, abuse of a child,
7 using a child in a sexual performance, promoting sexual
8 performance by a child, or trafficking in children;

9 (4) Any of the following offenses involving child
10 pornography and related offenses: promoting obscenity in the
11 first degree, promoting obscenity in the second degree when the
12 penalty is enhanced to a class [D] E felony, promoting child
13 pornography in the first degree, promoting child pornography in
14 the second degree, possession of child pornography in the first
15 degree, possession of child pornography in the second degree,
16 furnishing child pornography to a minor, furnishing pornographic
17 materials to minors, or coercing acceptance of obscene material;
18 and

19 (5) Mortgage fraud as defined in section 570.310.

20 6. A person whose license was revoked under subsection 5 of
21 this section may appeal such revocation to the administrative
22 hearing commission. Notice of such appeal must be received by
23 the administrative hearing commission within ninety days of
24 mailing, by certified mail, the notice of revocation. Failure of
25 a person whose license was revoked to notify the administrative
26 hearing commission of his or her intent to appeal waives all
27 rights to appeal the revocation. Upon notice of such person's
28 intent to appeal, a hearing shall be held before the

1 administrative hearing commission.

2 400.9-501. (a) Except as otherwise provided in subsection
3 (b), if the local law of this state governs perfection of a
4 security interest or agricultural lien, the office in which to
5 file a financing statement to perfect the security interest or
6 agricultural lien is:

7 (1) The office designated for the filing or recording of a
8 record of a mortgage on the related real property, if:

9 (A) The collateral is as-extracted collateral or timber to
10 be cut; or

11 (B) The financing statement is filed as a fixture filing
12 and the collateral is goods that are or are to become fixtures;
13 or

14 (2) The office of the secretary of state in all other
15 cases, including a case in which the collateral is goods that are
16 or are to become fixtures and the financing statement is not
17 filed as a fixture filing.

18 (b) The office in which to file a financing statement to
19 perfect a security interest in collateral, including fixtures, of
20 a transmitting utility is the office of the secretary of state.
21 The financing statement also constitutes a fixture filing as to
22 the collateral indicated in the financing statement which is or
23 is to become fixtures.

24 (c) A person shall not knowingly or intentionally file,
25 attempt to file, or record any document related to real property
26 with a recorder of deeds under chapter 59 or a financing
27 statement with the secretary of state under subdivision (2) of
28 subsection (a) or subsection (b) of this section, with the intent

1 that such document or statement be used to harass or defraud any
2 other person or knowingly or intentionally file, attempt to file,
3 or record such a document or statement that is materially false
4 or fraudulent.

5 (1) A person who violates this subsection shall be guilty
6 of a class ~~[D]~~ E felony.

7 (2) If a person is convicted of a violation under this
8 subsection, the court may order restitution.

9 (d) In the alternative to the provisions of sections
10 428.105 through 428.135, if a person files a false or fraudulent
11 financing statement with the secretary of state under subdivision
12 (2) of subsection (a) or subsection (b) of this section, a debtor
13 named in that financing statement may file an action against the
14 person that filed the financing statement seeking appropriate
15 equitable relief, actual damages, or punitive damages, including,
16 but not limited to, reasonable attorney fees.

17 557.021. 1. Any offense defined outside this code which is
18 declared to be a misdemeanor without specification of the penalty
19 therefor is a class A misdemeanor.

20 2. Any offense defined outside this code which is declared
21 to be a felony without specification of the penalty therefor is a
22 class E felony.

23 3. For the purpose of applying the extended term provisions
24 of section 558.016 and the minimum prison term provisions of
25 section 558.019 and for determining the penalty for attempts and
26 conspiracies, offenses defined outside of this code shall be
27 classified as follows:

28 (1) If the offense is a felony:

1 (a) It is a class A felony if the authorized penalty
2 includes death, life imprisonment or imprisonment for a term of
3 twenty years or more;

4 (b) It is a class B felony if the maximum term of
5 imprisonment authorized exceeds ten years but is less than twenty
6 years;

7 (c) It is a class C felony if the maximum term of
8 imprisonment authorized is ten years;

9 (d) It is a class D felony if the maximum term of
10 imprisonment exceeds four years but is less than ten years;

11 (e) It is a class E felony if the maximum term of
12 imprisonment is four years or less;

13 (2) If the offense is a misdemeanor:

14 (a) It is a class A misdemeanor if the authorized
15 imprisonment exceeds six months in jail;

16 (b) It is a class B misdemeanor if the authorized
17 imprisonment exceeds thirty days but is not more than six months;

18 (c) It is a class C misdemeanor if the authorized
19 imprisonment is thirty days or less;

20 (d) It is a class D misdemeanor if it includes a mental
21 state as an element of the offense and there is no authorized
22 imprisonment;

23 (e) It is an infraction if there is no authorized
24 imprisonment.

25 562.014. 1. Guilt for an offense may be based upon a
26 conspiracy to commit an offense when a person, with the purpose
27 of promoting or facilitating the commission of an offense, agrees
28 with another person or persons that they or one or more of them

1 will engage in conduct which constitutes such offense.

2 2. It is no defense to a prosecution for conspiring to
3 commit an offense that a person, who knows that a person with
4 whom he or she conspires to commit an offense has conspired with
5 another person or persons to commit the same offense, does not
6 know the identity of such other person or persons.

7 3. If a person conspires to commit a number of offenses, he
8 or she can be found guilty of only one offense of conspiracy so
9 long as such multiple offenses are the object of the same
10 agreement.

11 4. No person may be convicted of an offense based upon a
12 conspiracy to commit an offense unless an overt act in pursuance
13 of such conspiracy is alleged and proved to have been done by him
14 or her or by a person with whom he or she conspired.

15 5. (1) No person shall be convicted of an offense based
16 upon a conspiracy to commit an offense if, after conspiring to
17 commit the offense, he or she prevented the accomplishment of the
18 objectives of the conspiracy under circumstances manifesting a
19 renunciation of his or her criminal purpose.

20 (2) The defendant shall have the burden of injecting the
21 issue of renunciation of criminal purpose under subdivision (1)
22 of this subsection.

23 6. For the purpose of time limitations on prosecutions:

24 (1) A conspiracy to commit an offense is a continuing
25 course of conduct which terminates when the offense or offenses
26 which are its object are committed or the agreement that they be
27 committed is abandoned by the defendant and by those with whom he
28 or she conspired;

1 (2) If an individual abandons the agreement, the conspiracy
2 is terminated as to him or her only if he or she advises those
3 with whom he or she has conspired of his or her abandonment or he
4 or she informs the law enforcement authorities of the existence
5 of the conspiracy and of his or her participation in it.

6 7. A person shall not be charged, convicted or sentenced on
7 the basis of the same course of conduct of both the actual
8 commission of an offense and a conspiracy to commit that offense.

9 8. Unless otherwise set forth in the statute creating the
10 offense, when guilt for a felony or misdemeanor is based upon a
11 conspiracy to commit that offense, the felony or misdemeanor
12 shall be classified one step lower than the class provided for
13 the felony or misdemeanor in the statute creating the offense.

14 563.046. 1. A law enforcement officer need not retreat or
15 desist from efforts to effect the arrest, or from efforts to
16 prevent the escape from custody, of a person he or she reasonably
17 believes to have committed an offense because of resistance or
18 threatened resistance of the arrestee. In addition to the use of
19 physical force authorized under other sections of this chapter, a
20 law enforcement officer is, subject to the provisions of
21 subsections 2 and 3, justified in the use of such physical force
22 as he or she reasonably believes is immediately necessary to
23 effect the arrest or to prevent the escape from custody.

24 2. The use of any physical force in making an arrest is not
25 justified under this section unless the arrest is lawful or the
26 law enforcement officer reasonably believes the arrest is lawful,
27 and the amount of physical force used was objectively reasonable
28 in light of the totality of the particular facts and

1 circumstances confronting the officer on the scene, without
2 regard to the officer's underlying intent or motivation.

3 3. In effecting an arrest or in preventing an escape from
4 custody, a law enforcement officer [in effecting an arrest or in
5 preventing an escape from custody] is justified in using deadly
6 force only:

7 (1) When deadly force is authorized under other sections of
8 this chapter; or

9 (2) When [he or she] the officer reasonably believes that
10 such use of deadly force is immediately necessary to effect the
11 arrest or prevent an escape from custody and also reasonably
12 believes that the person to be arrested:

13 (a) Has committed or attempted to commit a felony offense
14 involving the infliction or threatened infliction of serious
15 physical injury; or

16 (b) Is attempting to escape by use of a deadly weapon or
17 dangerous instrument; or

18 (c) May otherwise endanger life or inflict serious physical
19 injury to the officer or others unless arrested without delay.

20 4. The defendant shall have the burden of injecting the
21 issue of justification under this section.

22 563.046. 1. A law enforcement officer need not retreat or
23 desist from efforts to effect the arrest, or from efforts to
24 prevent the escape from custody, of a person he reasonably
25 believes to have committed an offense because of resistance or
26 threatened resistance of the arrestee. In addition to the use of
27 physical force authorized under other sections of this chapter,
28 he is, subject to the provisions of subsections 2 and 3,

1 justified in the use of such physical force as he reasonably
2 believes is immediately necessary to effect the arrest or to
3 prevent the escape from custody.

4 2. The use of any physical force in making an arrest is not
5 justified under this section unless the arrest is lawful or the
6 law enforcement officer reasonably believes the arrest is lawful,
7 and the amount of physical force used was objectively reasonable
8 in light of the totality of the particular facts and
9 circumstances confronting the officer on the scene, without
10 regard to the officer's underlying intent or motivation.

11 3. In effecting an arrest or in preventing an escape from
12 custody, a law enforcement officer [in effecting an arrest or in
13 preventing an escape from custody] is justified in using deadly
14 force only:

15 (1) When such is authorized under other sections of this
16 chapter; or

17 (2) When [he] the officer reasonably believes that such use
18 of deadly force is immediately necessary to effect the arrest or
19 prevent an escape from custody and also reasonably believes that
20 the person to be arrested:

21 (a) Has committed or attempted to commit a felony offense
22 involving the infliction or threatened infliction of serious
23 physical injury; or

24 (b) Is attempting to escape by use of a deadly weapon or
25 dangerous instrument; or

26 (c) May otherwise endanger life or inflict serious physical
27 injury to the officer or others unless arrested without delay.

28 4. The defendant shall have the burden of injecting the

1 issue of justification under this section.

2 565.030. 1. Where murder in the first degree is charged
3 but not submitted or where the state waives the death penalty,
4 the submission to the trier and all subsequent proceedings in the
5 case shall proceed as in all other criminal cases [with a single
6 stage trial in which guilt and punishment are submitted
7 together].

8 2. Where murder in the first degree is submitted to the
9 trier without a waiver of the death penalty, the trial shall
10 proceed in two stages before the same trier. At the first stage
11 the trier shall decide only whether the defendant is guilty or
12 not guilty of any submitted offense. The issue of punishment
13 shall not be submitted to the trier at the first stage. If an
14 offense is charged other than murder in the first degree in a
15 count together with a count of murder in the first degree, the
16 trial judge shall assess punishment on any such offense according
17 to law, after the defendant is found guilty of such offense and
18 after he finds the defendant to be a prior offender pursuant to
19 chapter 558.

20 3. If murder in the first degree is submitted and the death
21 penalty was not waived but the trier finds the defendant guilty
22 of a lesser homicide, a second stage of the trial shall proceed
23 [at which the only issue shall be the punishment to be assessed
24 and declared. No further evidence shall be received. If the
25 trier is a jury it shall be instructed on the law] as in all
26 other criminal cases. The attorneys may then argue as in other
27 criminal cases the issue of punishment, after which the trier
28 shall assess and declare the punishment as in all other criminal

1 cases.

2 4. If the trier at the first stage of a trial where the
3 death penalty was not waived finds the defendant guilty of murder
4 in the first degree, a second stage of the trial shall proceed at
5 which the only issue shall be the punishment to be assessed and
6 declared. Evidence in aggravation and mitigation of punishment,
7 including but not limited to evidence supporting any of the
8 aggravating or mitigating circumstances listed in subsection 2 or
9 3 of section 565.032, may be presented subject to the rules of
10 evidence at criminal trials. Such evidence may include, within
11 the discretion of the court, evidence concerning the murder
12 victim and the impact of the [crime] offense upon the family of
13 the victim and others. Rebuttal and surrebuttal evidence may be
14 presented. The state shall be the first to proceed. If the
15 trier is a jury it shall be instructed on the law. The attorneys
16 may then argue the issue of punishment to the jury, and the state
17 shall have the right to open and close the argument. The trier
18 shall assess and declare the punishment at life imprisonment
19 without eligibility for probation, parole, or release except by
20 act of the governor:

21 (1) If the trier finds by a preponderance of the evidence
22 that the defendant is intellectually disabled; or

23 (2) If the trier does not find beyond a reasonable doubt at
24 least one of the statutory aggravating circumstances set out in
25 subsection 2 of section 565.032; or

26 (3) If the trier concludes that there is evidence in
27 mitigation of punishment, including but not limited to evidence
28 supporting the statutory mitigating circumstances listed in

1 subsection 3 of section 565.032, which is sufficient to outweigh
2 the evidence in aggravation of punishment found by the trier; or

3 (4) If the trier decides under all of the circumstances not
4 to assess and declare the punishment at death. If the trier is a
5 jury it shall be so instructed.

6
7 If the trier assesses and declares the punishment at death it
8 shall, in its findings or verdict, set out in writing the
9 aggravating circumstance or circumstances listed in subsection 2
10 of section 565.032 which it found beyond a reasonable doubt. If
11 the trier is a jury it shall be instructed before the case is
12 submitted that if it is unable to decide or agree upon the
13 punishment the court shall assess and declare the punishment at
14 life imprisonment without eligibility for probation, parole, or
15 release except by act of the governor or death. The court shall
16 follow the same procedure as set out in this section whenever it
17 is required to determine punishment for murder in the first
18 degree.

19 5. Upon written agreement of the parties and with leave of
20 the court, the issue of the defendant's intellectual disability
21 may be taken up by the court and decided prior to trial without
22 prejudicing the defendant's right to have the issue submitted to
23 the trier of fact as provided in subsection 4 of this section.

24 6. As used in this section, the terms "intellectual
25 disability" or "intellectually disabled" refer to a condition
26 involving substantial limitations in general functioning
27 characterized by significantly subaverage intellectual
28 functioning with continual extensive related deficits and

1 limitations in two or more adaptive behaviors such as
2 communication, self-care, home living, social skills, community
3 use, self-direction, health and safety, functional academics,
4 leisure and work, which conditions are manifested and documented
5 before eighteen years of age.

6 7. The provisions of this section shall only govern
7 offenses committed on or after August 28, 2001.

8 565.032. 1. In all cases of murder in the first degree for
9 which the death penalty is authorized, the judge in a jury-waived
10 trial shall consider, or [he] shall include in his or her
11 instructions to the jury for it to consider:

12 (1) Whether a statutory aggravating circumstance or
13 circumstances enumerated in subsection 2 of this section is
14 established by the evidence beyond a reasonable doubt; and

15 (2) If a statutory aggravating circumstance or
16 circumstances is proven beyond a reasonable doubt, whether the
17 evidence as a whole justifies a sentence of death or a sentence
18 of life imprisonment without eligibility for probation, parole,
19 or release except by act of the governor. In determining the
20 issues enumerated in subdivisions (1) and (2) of this subsection,
21 the trier shall consider all evidence which it finds to be in
22 aggravation or mitigation of punishment, including evidence
23 received during the first stage of the trial and evidence
24 supporting any of the statutory aggravating or mitigating
25 circumstances set out in subsections 2 and 3 of this section. If
26 the trier is a jury, it shall not be instructed upon any specific
27 evidence which may be in aggravation or mitigation of punishment,
28 but shall be instructed that each juror shall consider any

1 evidence which he or she considers to be aggravating or
2 mitigating.

3 2. Statutory aggravating circumstances for a murder in the
4 first degree offense shall be limited to the following:

5 (1) The offense was committed by a person with a prior
6 record of conviction for murder in the first degree, or the
7 offense was committed by a person who has one or more serious
8 assaultive criminal convictions;

9 (2) The murder in the first degree offense was committed
10 while the offender was engaged in the commission or attempted
11 commission of another unlawful homicide;

12 (3) The offender by his or her act of murder in the first
13 degree knowingly created a great risk of death to more than one
14 person by means of a weapon or device which would normally be
15 hazardous to the lives of more than one person;

16 (4) The offender committed the offense of murder in the
17 first degree for himself or herself or another, for the purpose
18 of receiving money or any other thing of monetary value from the
19 victim of the murder or another;

20 (5) The murder in the first degree was committed against a
21 judicial officer, former judicial officer, prosecuting attorney
22 or former prosecuting attorney, circuit attorney or former
23 circuit attorney, assistant prosecuting attorney or former
24 assistant prosecuting attorney, assistant circuit attorney or
25 former assistant circuit attorney, peace officer or former peace
26 officer, elected official or former elected official during or
27 because of the exercise of his official duty;

28 (6) The offender caused or directed another to commit

1 murder in the first degree or committed murder in the first
2 degree as an agent or employee of another person;

3 (7) The murder in the first degree was outrageously or
4 wantonly vile, horrible or inhuman in that it involved torture,
5 or depravity of mind;

6 (8) The murder in the first degree was committed against
7 any peace officer, or fireman while engaged in the performance of
8 his or her official duty;

9 (9) The murder in the first degree was committed by a
10 person in, or who has escaped from, the lawful custody of a peace
11 officer or place of lawful confinement;

12 (10) The murder in the first degree was committed for the
13 purpose of avoiding, interfering with, or preventing a lawful
14 arrest or custody in a place of lawful confinement, of himself or
15 herself or another;

16 (11) The murder in the first degree was committed while the
17 defendant was engaged in the perpetration or was aiding or
18 encouraging another person to perpetrate or attempt to perpetrate
19 a felony of any degree of rape, sodomy, burglary, robbery,
20 kidnapping, or any felony offense in chapter 195 or 579;

21 (12) The murdered individual was a witness or potential
22 witness in any past or pending investigation or past or pending
23 prosecution, and was killed as a result of his or her status as a
24 witness or potential witness;

25 (13) The murdered individual was an employee of an
26 institution or facility of the department of corrections of this
27 state or local correction agency and was killed in the course of
28 performing his or her official duties, or the murdered individual

1 was an inmate of such institution or facility;

2 (14) The murdered individual was killed as a result of the
3 hijacking of an airplane, train, ship, bus or other public
4 conveyance;

5 (15) The murder was committed for the purpose of concealing
6 or attempting to conceal any felony offense defined in chapter
7 195 or 579;

8 (16) The murder was committed for the purpose of causing or
9 attempting to cause a person to refrain from initiating or aiding
10 in the prosecution of a felony offense defined in chapter 195 or
11 579;

12 (17) The murder was committed during the commission of [a
13 crime] an offense which is part of a pattern of criminal street
14 gang activity as defined in section 578.421.

15 3. Statutory mitigating circumstances shall include the
16 following:

17 (1) The defendant has no significant history of prior
18 criminal activity;

19 (2) The murder in the first degree was committed while the
20 defendant was under the influence of extreme mental or emotional
21 disturbance;

22 (3) The victim was a participant in the defendant's conduct
23 or consented to the act;

24 (4) The defendant was an accomplice in the murder in the
25 first degree committed by another person and his or her
26 participation was relatively minor;

27 (5) The defendant acted under extreme duress or under the
28 substantial domination of another person;

1 (6) The capacity of the defendant to appreciate the
2 criminality of his or her conduct or to conform his or her
3 conduct to the requirements of law was substantially impaired;

4 (7) The age of the defendant at the time of the [crime]
5 offense.

6 565.040. 1. In the event that the death penalty provided
7 in this chapter is held to be unconstitutional, any person
8 convicted of murder in the first degree shall be sentenced by the
9 court to life imprisonment without eligibility for probation,
10 parole, or release except by act of the governor, with the
11 exception that when a specific aggravating circumstance found in
12 a case is held to be unconstitutional or invalid for another
13 reason, the supreme court of Missouri is further authorized to
14 remand the case for resentencing or retrial of the punishment
15 pursuant to subsection 5 of section [565.036] 565.035.

16 2. In the event that any death sentence imposed pursuant to
17 this chapter is held to be unconstitutional, the trial court
18 which previously sentenced the defendant to death shall cause the
19 defendant to be brought before the court and shall sentence the
20 defendant to life imprisonment without eligibility for probation,
21 parole, or release except by act of the governor, with the
22 exception that when a specific aggravating circumstance found in
23 a case is held to be inapplicable, unconstitutional or invalid
24 for another reason, the supreme court of Missouri is further
25 authorized to remand the case for retrial of the punishment
26 pursuant to subsection 5 of section 565.035.

27 565.188. 1. When any adult day care worker; chiropractor;
28 Christian Science practitioner; coroner; dentist; embalmer;

1 employee of the departments of social services, mental health, or
2 health and senior services; employee of a local area agency on
3 aging or an organized area agency on aging program; emergency
4 medical technician, firefighter, first responder; funeral
5 director; home health agency or home health agency employee;
6 hospital and clinic personnel engaged in examination, care, or
7 treatment of persons; in-home services owner, provider, operator,
8 or employee; law enforcement officer; long-term care facility
9 administrator or employee; medical examiner; medical resident or
10 intern; mental health professional; minister; nurse; nurse
11 practitioner; optometrist; other health practitioner; peace
12 officer; pharmacist; physical therapist; physician; physician's
13 assistant; podiatrist; probation or parole officer; psychologist;
14 social worker; or other person with responsibility for the care
15 of [a person sixty years of age or older] an eligible adult as
16 defined under section 192.2400 has reasonable cause to suspect
17 that [such a person] the eligible adult has been subjected to
18 abuse or neglect or observes [such a person] the eligible adult
19 being subjected to conditions or circumstances which would
20 reasonably result in abuse or neglect, he or she shall
21 immediately report or cause a report to be made to the department
22 in accordance with the provisions of sections 192.2400 to
23 192.2470. Any other person who becomes aware of circumstances
24 which may reasonably be expected to be the result of or result in
25 abuse or neglect may report to the department.

26 2. Any person who knowingly fails to make a report as
27 required in subsection 1 of this section is guilty of a class A
28 misdemeanor.

1 3. Any person who purposely files a false report of elder
2 abuse or neglect is guilty of a class A misdemeanor.

3 4. Every person who has been previously convicted of or
4 pled guilty to making a false report to the department and who is
5 subsequently convicted of making a false report under subsection
6 3 of this section is guilty of a class D felony.

7 5. Evidence of prior convictions of false reporting shall
8 be heard by the court, out of the hearing of the jury, prior to
9 the submission of the case to the jury, and the court shall
10 determine the existence of the prior convictions.

11 568.040. 1. A person commits the offense of nonsupport if
12 he or she knowingly fails to provide adequate support for his or
13 her spouse; a parent commits the offense of nonsupport if such
14 parent knowingly fails to provide adequate support which such
15 parent is legally obligated to provide for his or her child or
16 stepchild who is not otherwise emancipated by operation of law.

17 2. For purposes of this section:

18 (1) "Child" means any biological or adoptive child, or any
19 child whose paternity has been established under chapter 454, or
20 chapter 210, or any child whose relationship to the defendant has
21 been determined, by a court of law in a proceeding for
22 dissolution or legal separation, to be that of child to parent;

23 (2) "Good cause" means any substantial reason why the
24 defendant is unable to provide adequate support. Good cause does
25 not exist if the defendant purposely maintains his inability to
26 support;

27 (3) "Support" means food, clothing, lodging, and medical or
28 surgical attention;

1 (4) It shall not constitute a failure to provide medical
2 and surgical attention, if nonmedical remedial treatment
3 recognized and permitted under the laws of this state is
4 provided.

5 3. Inability to provide support for good cause shall be an
6 affirmative defense under this section. A defendant who raises
7 such affirmative defense has the burden of proving the defense by
8 a preponderance of the evidence.

9 4. The defendant shall have the burden of injecting the
10 issues raised by subdivision (4) of subsection 2 [and subsection
11 3] of this section.

12 5. The offense of criminal nonsupport is a class A
13 misdemeanor, unless the total arrearage is in excess of an
14 aggregate of twelve monthly payments due under any order of
15 support issued by any court of competent jurisdiction or any
16 authorized administrative agency, in which case it is a class E
17 felony.

18 6. If at any time an offender convicted of criminal
19 nonsupport is placed on probation or parole, there may be ordered
20 as a condition of probation or parole that the offender commence
21 payment of current support as well as satisfy the arrearages.
22 Arrearages may be satisfied first by making such lump sum payment
23 as the offender is capable of paying, if any, as may be shown
24 after examination of the offender's financial resources or
25 assets, both real, personal, and mixed, and second by making
26 periodic payments. Periodic payments toward satisfaction of
27 arrears when added to current payments due may be in such
28 aggregate sums as is not greater than fifty percent of the

1 offender's adjusted gross income after deduction of payroll
2 taxes, medical insurance that also covers a dependent spouse or
3 children, and any other court- or administrative-ordered support,
4 only. If the offender fails to pay the current support and
5 arrearages as ordered, the court may revoke probation or parole
6 and then impose an appropriate sentence within the range for the
7 class of offense that the offender was convicted of as provided
8 by law, unless the offender proves good cause for the failure to
9 pay as required under subsection 3 of this section.

10 7. During any period that a nonviolent offender is
11 incarcerated for criminal nonsupport, if the offender is ready,
12 willing, and able to be gainfully employed during said period of
13 incarceration, the offender, if he or she meets the criteria
14 established by the department of corrections, may be placed on
15 work release to allow the offender to satisfy his or her
16 obligation to pay support. Arrearages shall be satisfied as
17 outlined in the collection agreement.

18 8. Beginning August 28, 2009, every nonviolent first- and
19 second-time offender then incarcerated for criminal nonsupport,
20 who has not been previously placed on probation or parole for
21 conviction of criminal nonsupport, may be considered for parole,
22 under the conditions set forth in subsection 6 of this section,
23 or work release, under the conditions set forth in subsection 7
24 of this section.

25 9. Beginning January 1, 1991, every prosecuting attorney in
26 any county which has entered into a cooperative agreement with
27 the child support enforcement service of the family support
28 division of the department of social services shall report to the

1 division on a quarterly basis the number of charges filed and the
2 number of convictions obtained under this section by the
3 prosecuting attorney's office on all IV-D cases. The division
4 shall consolidate the reported information into a statewide
5 report by county and make the report available to the general
6 public.

7 10. Persons accused of committing the offense of nonsupport
8 of the child shall be prosecuted:

9 (1) In any county in which the child resided during the
10 period of time for which the defendant is charged; or

11 (2) In any county in which the defendant resided during the
12 period of time for which the defendant is charged.

13 569.090. 1. A person commits the offense of tampering in
14 the second degree if he or she:

15 (1) Tampers with property of another for the purpose of
16 causing substantial inconvenience to that person or to another;
17 or

18 (2) Unlawfully rides in or upon another's automobile,
19 airplane, motorcycle, motorboat or other motor-propelled vehicle;
20 or

21 (3) Tampers or makes connection with property of a utility;
22 or

23 (4) Tampers with, or causes to be tampered with, any meter
24 or other property of an electric, gas, steam or water utility,
25 the effect of which tampering is either:

26 (a) To prevent the proper measuring of electric, gas, steam
27 or water service; or

28 (b) To permit the diversion of any electric, gas, steam or

1 water service.

2 2. In any prosecution under subdivision (4) of subsection
3 1, proof that a meter or any other property of a utility has been
4 tampered with, and the person or persons accused received the use
5 or direct benefit of the electric, gas, steam or water service,
6 with one or more of the effects described in subdivision (4) of
7 subsection 1, shall be sufficient to support an inference which
8 the trial court may submit to the trier of fact, from which the
9 trier of fact may conclude that there has been a violation of
10 such subdivision by the person or persons who use or receive the
11 direct benefit of the electric, gas, steam or water service.

12 3. Tampering in the second degree is a class A misdemeanor
13 unless:

14 (1) Committed as a second or subsequent violation of
15 subdivision (4) of subsection 1, in which case it is a class E
16 felony; or

17 (2) The defendant has a prior conviction or has previously
18 been found guilty pursuant to paragraph (a) of subdivision (3) of
19 subsection [3] 5 of section 570.030, or subdivision (2) of
20 subsection 1 of this section, in which case it is a class D
21 felony.

22 571.020. 1. A person commits [a crime] an offense if such
23 person knowingly possesses, manufactures, transports, repairs, or
24 sells:

25 (1) An explosive weapon;

26 (2) An explosive, incendiary or poison substance or
27 material with the purpose to possess, manufacture or sell an
28 explosive weapon;

- 1 (3) A gas gun;
- 2 (4) A bullet or projectile which explodes or detonates upon
3 impact because of an independent explosive charge after having
4 been shot from a firearm; or
- 5 (5) Knuckles; or
- 6 (6) Any of the following in violation of federal law:
- 7 (a) A machine gun;
- 8 (b) A short-barreled rifle or shotgun;
- 9 (c) A firearm silencer; or
- 10 (d) A switchblade knife.

11 2. A person does not commit [a crime] an offense pursuant
12 to this section if his or her conduct involved any of the items
13 in subdivisions (1) to (5) of subsection 1, the item was
14 possessed in conformity with any applicable federal law, and the
15 conduct:

16 (1) Was incident to the performance of official duty by the
17 Armed Forces, National Guard, a governmental law enforcement
18 agency, or a penal institution; or

19 (2) Was incident to engaging in a lawful commercial or
20 business transaction with an organization enumerated in
21 subdivision (1) of this section; or

22 (3) Was incident to using an explosive weapon in a manner
23 reasonably related to a lawful industrial or commercial
24 enterprise; or

25 (4) Was incident to displaying the weapon in a public
26 museum or exhibition; or

27 (5) Was incident to using the weapon in a manner reasonably
28 related to a lawful dramatic performance.

1 3. [A crime] An offense pursuant to subdivision (1), (2),
2 (3) or (6) of subsection 1 of this section is a class [C] D
3 felony; a crime pursuant to subdivision (4) or (5) of subsection
4 1 of this section is a class A misdemeanor.

5 571.030. 1. A person commits the [crime] offense of
6 unlawful use of weapons if he or she knowingly:

7 (1) Carries concealed upon or about his or her person a
8 knife, a firearm, a blackjack or any other weapon readily capable
9 of lethal use; or

10 (2) Sets a spring gun; or

11 (3) Discharges or shoots a firearm into a dwelling house, a
12 railroad train, boat, aircraft, or motor vehicle as defined in
13 section 302.010, or any building or structure used for the
14 assembling of people; or

15 (4) Exhibits, in the presence of one or more persons, any
16 weapon readily capable of lethal use in an angry or threatening
17 manner; or

18 (5) Has a firearm or projectile weapon readily capable of
19 lethal use on his or her person, while he or she is intoxicated,
20 and handles or otherwise uses such firearm or projectile weapon
21 in either a negligent or unlawful manner or discharges such
22 firearm or projectile weapon unless acting in self-defense; or

23 (6) Discharges a firearm within one hundred yards of any
24 occupied schoolhouse, courthouse, or church building; or

25 (7) Discharges or shoots a firearm at a mark, at any
26 object, or at random, on, along or across a public highway or
27 discharges or shoots a firearm into any outbuilding; or

28 (8) Carries a firearm or any other weapon readily capable

1 of lethal use into any church or place where people have
2 assembled for worship, or into any election precinct on any
3 election day, or into any building owned or occupied by any
4 agency of the federal government, state government, or political
5 subdivision thereof; or

6 (9) Discharges or shoots a firearm at or from a motor
7 vehicle, as defined in section 301.010, discharges or shoots a
8 firearm at any person, or at any other motor vehicle, or at any
9 building or habitable structure, unless the person was lawfully
10 acting in self-defense; or

11 (10) Carries a firearm, whether loaded or unloaded, or any
12 other weapon readily capable of lethal use into any school, onto
13 any school bus, or onto the premises of any function or activity
14 sponsored or sanctioned by school officials or the district
15 school board; or

16 (11) Possesses a firearm while also knowingly in possession
17 of a controlled substance that is sufficient for a felony
18 violation of section 195.202.

19 2. Subdivisions (1), (8), and (10) of subsection 1 of this
20 section shall not apply to the persons described in this
21 subsection, regardless of whether such uses are reasonably
22 associated with or are necessary to the fulfillment of such
23 person's official duties except as otherwise provided in this
24 subsection. Subdivisions (3), (4), (6), (7), and (9) of
25 subsection 1 of this section shall not apply to or affect any of
26 the following persons, when such uses are reasonably associated
27 with or are necessary to the fulfillment of such person's
28 official duties, except as otherwise provided in this subsection:

1 (1) All state, county and municipal peace officers who have
2 completed the training required by the police officer standards
3 and training commission pursuant to sections 590.030 to 590.050
4 and who possess the duty and power of arrest for violation of the
5 general criminal laws of the state or for violation of ordinances
6 of counties or municipalities of the state, whether such officers
7 are on or off duty, and whether such officers are within or
8 outside of the law enforcement agency's jurisdiction, or all
9 qualified retired peace officers, as defined in subsection 12 of
10 this section, and who carry the identification defined in
11 subsection 13 of this section, or any person summoned by such
12 officers to assist in making arrests or preserving the peace
13 while actually engaged in assisting such officer;

14 (2) Wardens, superintendents and keepers of prisons,
15 penitentiaries, jails and other institutions for the detention of
16 persons accused or convicted of crime;

17 (3) Members of the Armed Forces or National Guard while
18 performing their official duty;

19 (4) Those persons vested by Article V, Section 1 of the
20 Constitution of Missouri with the judicial power of the state and
21 those persons vested by Article III of the Constitution of the
22 United States with the judicial power of the United States, the
23 members of the federal judiciary;

24 (5) Any person whose bona fide duty is to execute process,
25 civil or criminal;

26 (6) Any federal probation officer or federal flight deck
27 officer as defined under the federal flight deck officer program,
28 49 U.S.C. Section 44921 regardless of whether such officers are

1 on duty, or within the law enforcement agency's jurisdiction;

2 (7) Any state probation or parole officer, including
3 supervisors and members of the board of probation and parole;

4 (8) Any corporate security advisor meeting the definition
5 and fulfilling the requirements of the regulations established by
6 the department of public safety under section 590.750;

7 (9) Any coroner, deputy coroner, medical examiner, or
8 assistant medical examiner;

9 (10) Any prosecuting attorney or assistant prosecuting
10 attorney, circuit attorney or assistant circuit attorney, or any
11 person appointed by a court to be a special prosecutor who has
12 completed the firearms safety training course required under
13 subsection 2 of section 571.111;

14 (11) Any member of a fire department or fire protection
15 district who is employed on a full-time basis as a fire
16 investigator and who has a valid concealed carry endorsement
17 issued prior to August 28, 2013, or a valid concealed carry
18 permit under section 571.111 when such uses are reasonably
19 associated with or are necessary to the fulfillment of such
20 person's official duties; and

21 (12) Upon the written approval of the governing body of a
22 fire department or fire protection district, any paid fire
23 department or fire protection district chief who is employed on a
24 full-time basis and who has a valid concealed carry endorsement
25 issued prior to August 28, 2013, or a valid concealed carry
26 permit, when such uses are reasonably associated with or are
27 necessary to the fulfillment of such person's official duties.

28 3. Subdivisions (1), (5), (8), and (10) of subsection 1 of

1 this section do not apply when the actor is transporting such
2 weapons in a nonfunctioning state or in an unloaded state when
3 ammunition is not readily accessible or when such weapons are not
4 readily accessible. Subdivision (1) of subsection 1 of this
5 section does not apply to any person nineteen years of age or
6 older or eighteen years of age or older and a member of the
7 United States Armed Forces, or honorably discharged from the
8 United States Armed Forces, transporting a concealable firearm in
9 the passenger compartment of a motor vehicle, so long as such
10 concealable firearm is otherwise lawfully possessed, nor when the
11 actor is also in possession of an exposed firearm or projectile
12 weapon for the lawful pursuit of game, or is in his or her
13 dwelling unit or upon premises over which the actor has
14 possession, authority or control, or is traveling in a continuous
15 journey peaceably through this state. Subdivision (10) of
16 subsection 1 of this section does not apply if the firearm is
17 otherwise lawfully possessed by a person while traversing school
18 premises for the purposes of transporting a student to or from
19 school, or possessed by an adult for the purposes of facilitation
20 of a school-sanctioned firearm-related event or club event.

21 4. Subdivisions (1), (8), and (10) of subsection 1 of this
22 section shall not apply to any person who has a valid concealed
23 carry permit issued pursuant to sections 571.101 to 571.121, a
24 valid concealed carry endorsement issued before August 28, 2013,
25 or a valid permit or endorsement to carry concealed firearms
26 issued by another state or political subdivision of another
27 state.

28 5. Subdivisions (3), (4), (5), (6), (7), (8), (9), and (10)

1 of subsection 1 of this section shall not apply to persons who
2 are engaged in a lawful act of defense pursuant to section
3 563.031.

4 6. Notwithstanding any provision of this section to the
5 contrary, the state shall not prohibit any state employee from
6 having a firearm in the employee's vehicle on the state's
7 property provided that the vehicle is locked and the firearm is
8 not visible. This subsection shall only apply to the state as an
9 employer when the state employee's vehicle is on property owned
10 or leased by the state and the state employee is conducting
11 activities within the scope of his or her employment. For the
12 purposes of this subsection, "state employee" means an employee
13 of the executive, legislative, or judicial branch of the
14 government of the state of Missouri.

15 7. Nothing in this section shall make it unlawful for a
16 student to actually participate in school-sanctioned gun safety
17 courses, student military or ROTC courses, or other
18 school-sponsored or club-sponsored firearm-related events,
19 provided the student does not carry a firearm or other weapon
20 readily capable of lethal use into any school, onto any school
21 bus, or onto the premises of any other function or activity
22 sponsored or sanctioned by school officials or the district
23 school board.

24 8. Unlawful use of weapons is a class ~~[D]~~ E felony unless
25 committed pursuant to subdivision (6), (7), or (8) of subsection
26 1 of this section, in which cases it is a class B misdemeanor, or
27 subdivision (5) or (10) of subsection 1 of this section, in which
28 case it is a class A misdemeanor if the firearm is unloaded and a

1 class [D] E felony if the firearm is loaded, or subdivision (9)
2 of subsection 1 of this section, in which case it is a class B
3 felony, except that if the violation of subdivision (9) of
4 subsection 1 of this section results in injury or death to
5 another person, it is a class A felony.

6 9. Violations of subdivision (9) of subsection 1 of this
7 section shall be punished as follows:

8 (1) For the first violation a person shall be sentenced to
9 the maximum authorized term of imprisonment for a class B felony;

10 (2) For any violation by a prior offender as defined in
11 section 558.016, a person shall be sentenced to the maximum
12 authorized term of imprisonment for a class B felony without the
13 possibility of parole, probation or conditional release for a
14 term of ten years;

15 (3) For any violation by a persistent offender as defined
16 in section 558.016, a person shall be sentenced to the maximum
17 authorized term of imprisonment for a class B felony without the
18 possibility of parole, probation, or conditional release;

19 (4) For any violation which results in injury or death to
20 another person, a person shall be sentenced to an authorized
21 disposition for a class A felony.

22 10. Any person knowingly aiding or abetting any other
23 person in the violation of subdivision (9) of subsection 1 of
24 this section shall be subject to the same penalty as that
25 prescribed by this section for violations by other persons.

26 11. Notwithstanding any other provision of law, no person
27 who pleads guilty to or is found guilty of a felony violation of
28 subsection 1 of this section shall receive a suspended imposition

1 of sentence if such person has previously received a suspended
2 imposition of sentence for any other firearms- or weapons-related
3 felony offense.

4 12. As used in this section "qualified retired peace
5 officer" means an individual who:

6 (1) Retired in good standing from service with a public
7 agency as a peace officer, other than for reasons of mental
8 instability;

9 (2) Before such retirement, was authorized by law to engage
10 in or supervise the prevention, detection, investigation, or
11 prosecution of, or the incarceration of any person for, any
12 violation of law, and had statutory powers of arrest;

13 (3) Before such retirement, was regularly employed as a
14 peace officer for an aggregate of fifteen years or more, or
15 retired from service with such agency, after completing any
16 applicable probationary period of such service, due to a
17 service-connected disability, as determined by such agency;

18 (4) Has a nonforfeitable right to benefits under the
19 retirement plan of the agency if such a plan is available;

20 (5) During the most recent twelve-month period, has met, at
21 the expense of the individual, the standards for training and
22 qualification for active peace officers to carry firearms;

23 (6) Is not under the influence of alcohol or another
24 intoxicating or hallucinatory drug or substance; and

25 (7) Is not prohibited by federal law from receiving a
26 firearm.

27 13. The identification required by subdivision (1) of
28 subsection 2 of this section is:

1 (1) A photographic identification issued by the agency from
2 which the individual retired from service as a peace officer that
3 indicates that the individual has, not less recently than one
4 year before the date the individual is carrying the concealed
5 firearm, been tested or otherwise found by the agency to meet the
6 standards established by the agency for training and
7 qualification for active peace officers to carry a firearm of the
8 same type as the concealed firearm; or

9 (2) A photographic identification issued by the agency from
10 which the individual retired from service as a peace officer; and

11 (3) A certification issued by the state in which the
12 individual resides that indicates that the individual has, not
13 less recently than one year before the date the individual is
14 carrying the concealed firearm, been tested or otherwise found by
15 the state to meet the standards established by the state for
16 training and qualification for active peace officers to carry a
17 firearm of the same type as the concealed firearm.

18 571.060. 1. A person commits the [crime] offense of
19 unlawful transfer of weapons if he:

20 (1) Knowingly sells, leases, loans, gives away or delivers
21 a firearm or ammunition for a firearm to any person who, under
22 the provisions of section 571.070, is not lawfully entitled to
23 possess such;

24 (2) Knowingly sells, leases, loans, gives away or delivers
25 a blackjack to a person less than eighteen years old without the
26 consent of the child's custodial parent or guardian, or
27 recklessly, as defined in section 562.016, sells, leases, loans,
28 gives away or delivers any firearm to a person less than eighteen

1 years old without the consent of the child's custodial parent or
2 guardian; provided, that this does not prohibit the delivery of
3 such weapons to any peace officer or member of the Armed Forces
4 or National Guard while performing his official duty; or

5 (3) Recklessly, as defined in section 562.016, sells,
6 leases, loans, gives away or delivers a firearm or ammunition for
7 a firearm to a person who is intoxicated.

8 2. Unlawful transfer of weapons under subdivision (1) of
9 subsection 1 of this section is a class [D] E felony; unlawful
10 transfer of weapons under subdivisions (2) and (3) of subsection
11 1 of this section is a class A misdemeanor.

12 571.063. 1. As used in this section the following terms
13 shall mean:

14 (1) "Ammunition", any cartridge, shell, or projectile
15 designed for use in a firearm;

16 (2) "Licensed dealer", a person who is licensed under 18
17 U.S.C. Section 923 to engage in the business of dealing in
18 firearms;

19 (3) "Materially false information", any information that
20 portrays an illegal transaction as legal or a legal transaction
21 as illegal;

22 (4) "Private seller", a person who sells or offers for sale
23 any firearm, as defined in section 571.010, or ammunition.

24 2. A person commits the crime of fraudulent purchase of a
25 firearm if such person:

26 (1) Knowingly solicits, persuades, encourages or entices a
27 licensed dealer or private seller of firearms or ammunition to
28 transfer a firearm or ammunition under circumstances which the

1 person knows would violate the laws of this state or the United
2 States; or

3 (2) Provides to a licensed dealer or private seller of
4 firearms or ammunition what the person knows to be materially
5 false information with intent to deceive the dealer or seller
6 about the legality of a transfer of a firearm or ammunition; or

7 (3) Willfully procures another to violate the provisions of
8 subdivision (1) or (2) of this subsection.

9 3. Fraudulent purchase of a firearm is a class **[D]** E
10 felony.

11 4. This section shall not apply to criminal investigations
12 conducted by the United States Bureau of Alcohol, Tobacco,
13 Firearms and Explosives, authorized agents of such
14 investigations, or to a peace officer, as defined in section
15 542.261, acting at the explicit direction of the United States
16 Bureau of Alcohol, Tobacco, Firearms and Explosives.

17 571.070. 1. A person commits the **[crime]** offense of
18 unlawful possession of a firearm if such person knowingly has any
19 firearm in his or her possession and:

20 (1) Such person has been convicted of a felony under the
21 laws of this state, or of a crime under the laws of any state or
22 of the United States which, if committed within this state, would
23 be a felony; or

24 (2) Such person is a fugitive from justice, is habitually
25 in an intoxicated or drugged condition, or is currently adjudged
26 mentally incompetent.

27 2. Unlawful possession of a firearm is a class **[C]** D
28 felony.

1 3. The provisions of subdivision (1) of subsection 1 of
2 this section shall not apply to the possession of an antique
3 firearm.

4 571.072. 1. A person commits the ~~[crime]~~ offense of
5 unlawful possession of an explosive weapon if he or she has any
6 explosive weapon in his or her possession and:

7 (1) He or she has pled guilty to or has been convicted of a
8 dangerous felony, as defined in section 556.061, or of an attempt
9 to commit a dangerous felony, or of ~~[a crime]~~ an offense under
10 the laws of any state or of the United States which, if committed
11 within this state, would be a dangerous felony, or confined
12 therefor in this state or elsewhere during the five-year period
13 immediately preceding the date of such possession; or

14 (2) He or she is a fugitive from justice, is habitually in
15 an intoxicated or drugged condition, or is currently adjudged
16 mentally incompetent.

17 2. Unlawful possession of an explosive weapon is a class
18 ~~[C]~~ D felony.

19 577.001. As used in this chapter, the following terms mean:

20 (1) "Aggravated offender", a person who has been found
21 guilty of:

22 (a) Three or more intoxication-related traffic offenses
23 committed on separate occasions; or

24 (b) Two or more intoxication-related traffic offenses
25 committed on separate occasions where at least one of the
26 intoxication-related traffic offenses is an offense committed in
27 violation of any state law, county or municipal ordinance, any
28 federal offense, or any military offense in which the defendant

1 was operating a vehicle while intoxicated and another person was
2 injured or killed;

3 (2) "Aggravated boating offender", a person who has been
4 found guilty of:

5 (a) Three or more intoxication-related boating offenses; or

6 (b) ~~Has been found guilty of one~~ Two or more
7 intoxication-related boating offenses committed on separate
8 occasions where at least one of the intoxication-related
9 ~~traffic~~ boating offenses is an offense committed in violation
10 of any state law, county or municipal ordinance, any federal
11 offense, or any military offense in which the defendant was
12 operating a vessel while intoxicated and another person was
13 injured or killed;

14 (3) "All-terrain vehicle", any motorized vehicle
15 manufactured and used exclusively for off-highway use which is
16 fifty inches or less in width, with an unladen dry weight of one
17 thousand pounds or less, traveling on three, four or more low
18 pressure tires, with a seat designed to be straddled by the
19 operator, or with a seat designed to carry more than one person,
20 and handlebars for steering control;

21 (4) "Court", any circuit, associate circuit, or municipal
22 court, including traffic court, but not any juvenile court or
23 drug court;

24 (5) "Chronic offender", a person who has been found guilty
25 of:

26 (a) Four or more intoxication-related traffic offenses
27 committed on separate occasions; or

28 (b) Three or more intoxication-related traffic offenses

1 committed on separate occasions where at least one of the
2 intoxication-related traffic offenses is an offense committed in
3 violation of any state law, county or municipal ordinance, any
4 federal offense, or any military offense in which the defendant
5 was operating a vehicle while intoxicated and another person was
6 injured or killed; or

7 (c) Two or more intoxication-related traffic offenses
8 committed on separate occasions where both intoxication-related
9 traffic offenses were offenses committed in violation of any
10 state law, county or municipal ordinance, any federal offense, or
11 any military offense in which the defendant was operating a
12 vehicle while intoxicated and another person was injured or
13 killed;

14 (6) "Chronic boating offender", a person who has been found
15 guilty of:

16 (a) Four or more intoxication-related boating offenses; or

17 (b) Three or more intoxication-related boating offenses
18 committed on separate occasions where at least one of the
19 intoxication-related boating offenses is an offense committed in
20 violation of any state law, county or municipal ordinance, any
21 federal offense, or any military offense in which the defendant
22 was operating a vessel while intoxicated and another person was
23 injured or killed; or

24 (c) Two or more intoxication-related boating offenses
25 committed on separate occasions where both intoxication-related
26 boating offenses were offenses committed in violation of any
27 state law, county or municipal ordinance, any federal offense, or
28 any military offense in which the defendant was operating a

1 vessel while intoxicated and another person was injured or
2 killed;

3 (7) "Continuous alcohol monitoring", automatically testing
4 breath, blood, or transdermal alcohol concentration levels and
5 tampering attempts at least once every hour, regardless of the
6 location of the person who is being monitored, and regularly
7 transmitting the data. Continuous alcohol monitoring shall be
8 considered an electronic monitoring service under subsection 3 of
9 section 217.690;

10 (8) "Controlled substance", a drug, substance, or immediate
11 precursor in schedules I to V listed in section 195.017;

12 (9) "Drive", "driving", "operates" or "operating", means
13 physically driving or operating a vehicle or vessel;

14 (10) "Flight crew member", the pilot in command, copilots,
15 flight engineers, and flight navigators;

16 (11) "Habitual offender", a person who has been found
17 guilty of:

18 (a) Five or more intoxication-related traffic offenses
19 committed on separate occasions; or

20 (b) Four or more intoxication-related traffic offenses
21 committed on separate occasions where at least one of the
22 intoxication-related traffic offenses is an offense committed in
23 violation of any state law, county or municipal ordinance, any
24 federal offense, or any military offense in which the defendant
25 was operating a vehicle while intoxicated and another person was
26 injured or killed; or

27 (c) Three or more intoxication-related traffic offenses
28 committed on separate occasions where at least two of the

1 intoxication-related traffic offenses were offenses committed in
2 violation of any state law, county or municipal ordinance, any
3 federal offense, or any military offense in which the defendant
4 was operating a vehicle while intoxicated and another person was
5 injured or killed; or

6 (d) While driving while intoxicated, the defendant acted
7 with criminal negligence to:

8 a. Cause the death of any person not a passenger in the
9 vehicle operated by the defendant, including the death of an
10 individual that results from the defendant's vehicle leaving a
11 highway, as defined by section 301.010, or the highway's
12 right-of-way; or

13 b. Cause the death of two or more persons; or

14 c. Cause the death of any person while he or she has a
15 blood alcohol content of at least eighteen-hundredths of one
16 percent by weight of alcohol in such person's blood;

17 (12) "Habitual boating offender", a person who has been
18 found guilty of:

19 (a) Five or more intoxication-related boating offenses; or

20 (b) Four or more intoxication-related boating offenses
21 committed on separate occasions where at least one of the
22 intoxication-related boating offenses is an offense committed in
23 violation of any state law, county or municipal ordinance, any
24 federal offense, or any military offense in which the defendant
25 was operating a vessel while intoxicated and another person was
26 injured or killed; or

27 (c) Three or more intoxication-related boating offenses
28 committed on separate occasions where at least two of the

1 intoxication-related boating offenses were offenses committed in
2 violation of any state law, county or municipal ordinance, any
3 federal offense, or any military offense in which the defendant
4 was operating a vessel while intoxicated and another person was
5 injured or killed; or

6 (d) While boating while intoxicated, the defendant acted
7 with criminal negligence to:

8 a. Cause the death of any person not a passenger in the
9 vessel operated by the defendant, including the death of an
10 individual that results from the defendant's vessel leaving the
11 water; or

12 b. Cause the death of two or more persons; or

13 c. Cause the death of any person while he or she has a
14 blood alcohol content of at least eighteen-hundredths of one
15 percent by weight of alcohol in such person's blood;

16 (13) "Intoxicated" or "intoxicated condition", when a
17 person is under the influence of alcohol, a controlled substance,
18 or drug, or any combination thereof;

19 (14) "Intoxication-related boating offense", operating a
20 vessel while intoxicated; boating while intoxicated; operating a
21 vessel with excessive blood alcohol content or an offense in
22 which the defendant was operating a vessel while intoxicated and
23 another person was injured or killed in violation of any state
24 law, county or municipal ordinance, any federal offense, or any
25 military offense;

26 (15) "Intoxication-related traffic offense", driving while
27 intoxicated, driving with excessive blood alcohol content,
28 driving under the influence of alcohol or drugs in violation of a

1 county or municipal ordinance, or an offense in which the
2 defendant was operating a vehicle while intoxicated and another
3 person was injured or killed in violation of any state law,
4 county or municipal ordinance, any federal offense, or any
5 military offense;

6 (16) "Law enforcement officer" or "arresting officer",
7 includes the definition of law enforcement officer in section
8 556.061 and military policemen conducting traffic enforcement
9 operations on a federal military installation under military
10 jurisdiction in the state of Missouri;

11 (17) "Operate a vessel", to physically control the movement
12 of a vessel in motion under mechanical or sail power in water;

13 (18) "Persistent offender", a person who has been found
14 guilty of:

15 (a) Two or more intoxication-related traffic offenses
16 committed on separate occasions; or

17 (b) One intoxication-related traffic offense committed in
18 violation of any state law, county or municipal ordinance,
19 federal offense, or military offense in which the defendant was
20 operating a vehicle while intoxicated and another person was
21 injured or killed;

22 (19) "Persistent boating offender", a person who has been
23 found guilty of:

24 (a) Two or more intoxication-related boating offenses
25 committed on separate occasions; or

26 (b) One intoxication-related boating offense committed in
27 violation of any state law, county or municipal ordinance,
28 federal offense, or military offense in which the defendant was

1 operating a vessel while intoxicated and another person was
2 injured or killed;

3 (20) "Prior offender", a person who has been found guilty
4 of one intoxication-related traffic offense, where such prior
5 offense occurred within five years of the occurrence of the
6 intoxication-related traffic offense for which the person is
7 charged;

8 (21) "Prior boating offender", a person who has been found
9 guilty of one intoxication-related boating offense, where such
10 prior offense occurred within five years of the occurrence of the
11 intoxication-related boating offense for which the person is
12 charged.

13 577.010. 1. A person commits the offense of driving while
14 intoxicated if he or she operates a vehicle while in an
15 intoxicated condition.

16 2. The offense of driving while intoxicated is:

17 (1) A class B misdemeanor;

18 (2) A class A misdemeanor if:

19 (a) The defendant is a prior offender; or

20 (b) A person less than seventeen years of age is present in
21 the vehicle;

22 (3) A class E felony if:

23 (a) The defendant is a persistent offender; or

24 (b) While driving while intoxicated, the defendant acts
25 with criminal negligence to cause physical injury to another
26 person;

27 (4) A class D felony if:

28 (a) The defendant is an aggravated offender;

1 (b) While driving while intoxicated, the defendant acts
2 with criminal negligence to cause physical injury to a law
3 enforcement officer or emergency personnel; or

4 (c) While driving while intoxicated, the defendant acts
5 with criminal negligence to cause serious physical injury to
6 another person;

7 (5) A class C felony if:

8 (a) The defendant is a chronic offender;

9 (b) While driving while intoxicated, the defendant acts
10 with criminal negligence to cause serious physical injury to a
11 law enforcement officer or emergency personnel; or

12 (c) While driving while intoxicated, the defendant acts
13 with criminal negligence to cause the death of another person;

14 (6) A class B felony if:

15 (a) The defendant is a habitual offender; or

16 (b) While driving while intoxicated, the defendant acts
17 with criminal negligence to cause the death of a law enforcement
18 officer or emergency personnel;

19 (7) A class A felony if the defendant is a habitual
20 offender as a result of being found guilty of an act described
21 under paragraph (d) of subdivision (11) of section 577.001 and is
22 found guilty of a subsequent violation of such paragraph.

23 3. Notwithstanding the provisions of subsection 2 of this
24 section, a person found guilty of the offense of driving while
25 intoxicated as a first offense shall not be granted a suspended
26 imposition of sentence:

27 (1) Unless such person shall be placed on probation for a
28 minimum of two years; or

1 (2) In a circuit where a DWI court or docket created under
2 section 478.007 or other court-ordered treatment program is
3 available, and where the offense was committed with
4 fifteen-hundredths of one percent or more by weight of alcohol in
5 such person's blood, unless the individual participates and
6 successfully completes a program under such DWI court or docket
7 or other court-ordered treatment program.

8 4. If a person is found guilty of a second or subsequent
9 offense of driving while intoxicated, the court may order the
10 person to submit to a period of continuous alcohol monitoring or
11 verifiable breath alcohol testing performed a minimum of four
12 times per day as a condition of probation.

13 5. If a person is not granted a suspended imposition of
14 sentence for the reasons described in subsection 3 of this
15 section:

16 (1) If the individual operated the vehicle with
17 fifteen-hundredths to twenty-hundredths of one percent by weight
18 of alcohol in such person's blood, the required term of
19 imprisonment shall be not less than forty-eight hours;

20 (2) If the individual operated the vehicle with greater
21 than twenty-hundredths of one percent by weight of alcohol in
22 such person's blood, the required term of imprisonment shall be
23 not less than five days.

24 6. A person found guilty of the offense of driving while
25 intoxicated:

26 (1) As a prior offender, persistent offender, aggravated
27 offender, chronic offender, or habitual offender shall not be
28 granted a suspended imposition of sentence or be sentenced to pay

1 a fine in lieu of a term of imprisonment, section 557.011 to the
2 contrary notwithstanding;

3 (2) As a prior offender shall not be granted parole or
4 probation until he or she has served a minimum of ten days
5 imprisonment:

6 (a) Unless as a condition of such parole or probation such
7 person performs at least thirty days of community service under
8 the supervision of the court in those jurisdictions which have a
9 recognized program for community service; or

10 (b) The offender participates in and successfully completes
11 a program established under section 478.007 or other
12 court-ordered treatment program, if available, and as part of
13 either program, the offender performs at least thirty days of
14 community service under the supervision of the court;

15 (3) As a persistent offender shall not be eligible for
16 parole or probation until he or she has served a minimum of
17 thirty days imprisonment:

18 (a) Unless as a condition of such parole or probation such
19 person performs at least sixty days of community service under
20 the supervision of the court in those jurisdictions which have a
21 recognized program for community service; or

22 (b) The offender participates in and successfully completes
23 a program established under section 478.007 or other
24 court-ordered treatment program, if available, and as part of
25 either program, the offender performs at least sixty days of
26 community service under the supervision of the court;

27 (4) As an aggravated offender shall not be eligible for
28 parole or probation until he or she has served a minimum of sixty

1 days imprisonment;

2 (5) As a chronic or habitual offender shall not be eligible
3 for parole or probation until he or she has served a minimum of
4 two years imprisonment; and

5 (6) Any probation or parole granted under this subsection
6 may include a period of continuous alcohol monitoring or
7 verifiable breath alcohol testing performed a minimum of four
8 times per day.

9 577.012. 1. A person commits the offense of driving with
10 excessive blood alcohol content if such person operates:

11 (1) A vehicle while having eight-hundredths of one percent
12 or more by weight of alcohol in his or her blood; or

13 (2) A commercial motor vehicle while having four
14 one-hundredths of one percent or more by weight of alcohol in his
15 or her blood.

16 2. As used in this section, percent by weight of alcohol in
17 the blood shall be based upon grams of alcohol per one hundred
18 milliliters of blood or two hundred ten liters of breath and may
19 be shown by chemical analysis of the person's blood, breath,
20 saliva or urine. For the purposes of determining the alcoholic
21 content of a person's blood under this section, the test shall be
22 conducted in accordance with the provisions of sections 577.020
23 to 577.041.

24 3. The offense of driving with excessive blood alcohol
25 content is:

26 (1) A class B misdemeanor;

27 (2) A class A misdemeanor if the defendant is alleged and
28 proved to be a prior offender;

1 (3) A class E felony if the defendant is alleged and proved
2 to be a persistent offender;

3 (4) A class D felony if the defendant is alleged and proved
4 to be an aggravated offender;

5 (5) A class C felony if the defendant is alleged and proved
6 to be a chronic offender;

7 (6) A class B felony if the defendant is alleged and proved
8 to be a habitual offender.

9 4. A person found guilty of the offense of driving with an
10 excessive blood alcohol content as a first offense shall not be
11 granted a suspended imposition of sentence:

12 (1) Unless such person shall be placed on probation for a
13 minimum of two years; or

14 (2) In a circuit where a DWI court or docket created under
15 section 478.007 or other court-ordered treatment program is
16 available, and where the offense was committed with
17 fifteen-hundredths of one percent or more by weight of alcohol in
18 such person's blood, unless the individual participates in and
19 successfully completes a program under such DWI court or docket
20 or other court-ordered treatment program.

21 5. If a person is not granted a suspended imposition of
22 sentence for the reasons described in subsection 4 of this
23 section:

24 (1) If the individual operated the vehicle with
25 fifteen-hundredths to twenty-hundredths of one percent by weight
26 of alcohol in such person's blood, the required term of
27 imprisonment shall be not less than forty-eight hours;

28 (2) If the individual operated the vehicle with greater than

1 twenty-hundredths of one percent by weight of alcohol in such
2 person's blood, the required term of imprisonment shall be not
3 less than five days.

4 6. If a person is found guilty of a second or subsequent
5 offense of driving with an excessive blood alcohol content, the
6 court may order the person to submit to a period of continuous
7 alcohol monitoring or verifiable breath alcohol testing performed
8 a minimum of four times per day as a condition of probation.

9 7. A person found guilty of driving with excessive blood
10 alcohol content:

11 (1) As a prior offender, persistent offender, aggravated
12 offender, chronic offender or habitual offender shall not be
13 granted a suspended imposition of sentence or be sentenced to pay
14 a fine in lieu of a term of imprisonment, section 557.011 to the
15 contrary notwithstanding;

16 (2) As a prior offender shall not be granted parole or
17 probation until he or she has served a minimum of ten days
18 imprisonment:

19 (a) Unless as a condition of such parole or probation such
20 person performs at least thirty days of community service under
21 the supervision of the court in those jurisdictions which have a
22 recognized program for community service; or

23 (b) The offender participates in and successfully completes
24 a program established under section 478.007 or other
25 court-ordered treatment program, if available, and as part of
26 either program, the offender performs at least thirty days of
27 community service under the supervision of the court;

28 (3) As a persistent offender shall not be granted parole or

1 probation until he or she has served a minimum of thirty days
2 imprisonment:

3 (a) Unless as a condition of such parole or probation such
4 person performs at least sixty days of community service under
5 the supervision of the court in those jurisdictions which have a
6 recognized program for community service; or

7 (b) The offender participates in and successfully completes
8 a program established under section 478.007 or other
9 court-ordered treatment program, if available, and as part of
10 either program, the offender performs at least sixty days of
11 community service under the supervision of the court;

12 (4) As an aggravated offender shall not be eligible for
13 parole or probation until he or she has served a minimum of sixty
14 days imprisonment;

15 (5) As a chronic or habitual offender shall not be eligible
16 for parole or probation until he or she has served a minimum of
17 two years imprisonment; and

18 (6) Any probation or parole granted under this subsection
19 may include a period of continuous alcohol monitoring or
20 verifiable breath alcohol testing performed a minimum of four
21 times per day.

22 577.013. 1. A person commits the offense of boating while
23 intoxicated if he or she operates a vessel while in an
24 intoxicated condition.

25 2. The offense of boating while intoxicated is:

26 (1) A class B misdemeanor;

27 (2) A class A misdemeanor if:

28 (a) The defendant is a prior boating offender; or

1 (b) A person less than seventeen years of age is present in
2 the vessel;

3 (3) A class E felony if:

4 (a) The defendant is a persistent boating offender; or

5 (b) While boating while intoxicated, the defendant acts
6 with criminal negligence to cause physical injury to another
7 person;

8 (4) A class D felony if:

9 (a) The defendant is an aggravated boating offender;

10 (b) While boating while intoxicated, the defendant acts
11 with criminal negligence to cause physical injury to a law
12 enforcement officer or emergency personnel; or

13 (c) While boating while intoxicated, the defendant acts
14 with criminal negligence to cause serious physical injury to
15 another person;

16 (5) A class C felony if:

17 (a) The defendant is a chronic boating offender;

18 (b) While boating while intoxicated, the defendant acts
19 with criminal negligence to cause serious physical injury to a
20 law enforcement officer or emergency personnel; or

21 (c) While boating while intoxicated, the defendant acts
22 with criminal negligence to cause the death of another person;

23 (6) A class B felony if:

24 (a) The defendant is a habitual boating offender; or

25 (b) While boating while intoxicated, the defendant acts
26 with criminal negligence to cause the death of a law enforcement
27 officer or emergency personnel;

28 (7) A class A felony if the defendant is a habitual

1 offender as a result of being found guilty of an act described
2 under paragraph (d) of subdivision (12) of section 577.001 and is
3 found guilty of a subsequent violation of such paragraph.

4 3. Notwithstanding the provisions of subsection 2 of this
5 section, a person found guilty of the offense of boating while
6 intoxicated as a first offense shall not be granted a suspended
7 imposition of sentence:

8 (1) Unless such person shall be placed on probation for a
9 minimum of two years; or

10 (2) In a circuit where a DWI court or docket created under
11 section 478.007 or other court-ordered treatment program is
12 available, and where the offense was committed with
13 fifteen-hundredths of one percent or more by weight of alcohol in
14 such person's blood, unless the individual participates in and
15 successfully completes a program under such DWI court or docket
16 or other court-ordered treatment program.

17 4. If a person is found guilty of a second or subsequent
18 offense of boating while intoxicated, the court may order the
19 person to submit to a period of continuous alcohol monitoring or
20 verifiable breath alcohol testing performed a minimum of four
21 times per day as a condition of probation.

22 5. If a person is not granted a suspended imposition of
23 sentence for the reasons described in subsection 3 of this
24 section:

25 (1) If the individual operated the vessel with
26 fifteen-hundredths to twenty-hundredths of one percent by weight
27 of alcohol in such person's blood, the required term of
28 imprisonment shall be not less than forty-eight hours;

1 (2) If the individual operated the vessel with greater than
2 twenty-hundredths of one percent by weight of alcohol in such
3 person's blood, the required term of imprisonment shall be not
4 less than five days.

5 6. A person found guilty of the offense of boating while
6 intoxicated:

7 (1) As a prior boating offender, persistent boating
8 offender, aggravated boating offender, chronic boating offender
9 or habitual boating offender shall not be granted a suspended
10 imposition of sentence or be sentenced to pay a fine in lieu of a
11 term of imprisonment, section 557.011 to the contrary
12 notwithstanding;

13 (2) As a prior boating offender shall not be granted parole
14 or probation until he or she has served a minimum of ten days
15 imprisonment:

16 (a) Unless as a condition of such parole or probation such
17 person performs at least two hundred forty hours of community
18 service under the supervision of the court in those jurisdictions
19 which have a recognized program for community service; or

20 (b) The offender participates in and successfully completes
21 a program established under section 478.007 or other
22 court-ordered treatment program, if available;

23 (3) As a persistent offender shall not be eligible for
24 parole or probation until he or she has served a minimum of
25 thirty days imprisonment:

26 (a) Unless as a condition of such parole or probation such
27 person performs at least four hundred eighty hours of community
28 service under the supervision of the court in those jurisdictions

1 which have a recognized program for community service; or

2 (b) The offender participates in and successfully completes
3 a program established under section 478.007 or other
4 court-ordered treatment program, if available;

5 (4) As an aggravated boating offender shall not be eligible
6 for parole or probation until he or she has served a minimum of
7 sixty days imprisonment;

8 (5) As a chronic or habitual boating offender shall not be
9 eligible for parole or probation until he or she has served a
10 minimum of two years imprisonment; and

11 (6) Any probation or parole granted under this subsection
12 may include a period of continuous alcohol monitoring or
13 verifiable breath alcohol testing performed a minimum of four
14 times per day.

15 577.014. 1. A person commits the offense of boating with
16 excessive blood alcohol content if he or she operates a vessel
17 while having eight-hundredths of one percent or more by weight of
18 alcohol in his or her blood.

19 2. As used in this section, percent by weight of alcohol in
20 the blood shall be based upon grams of alcohol per one hundred
21 milliliters of blood or two hundred ten liters of breath and may
22 be shown by chemical analysis of the person's blood, breath,
23 saliva or urine. For the purposes of determining the alcoholic
24 content of a person's blood under this section, the test shall be
25 conducted in accordance with the provisions of sections 577.020
26 to 577.041.

27 3. The offense of boating with excessive blood alcohol
28 content is:

- 1 (1) A class B misdemeanor;
- 2 (2) A class A misdemeanor if the defendant is alleged and
3 proved to be a prior boating offender;
- 4 (3) A class E felony if the defendant is alleged and proved
5 to be a persistent boating offender;
- 6 (4) A class D felony if the defendant is alleged and proved
7 to be an aggravated boating offender;
- 8 (5) A class C felony if the defendant is alleged and proved
9 to be a chronic boating offender;
- 10 (6) A class B felony if the defendant is alleged and proved
11 to be a habitual boating offender.

12 4. A person found guilty of the offense of boating with
13 excessive blood alcohol content as a first offense shall not be
14 granted a suspended imposition of sentence:

15 (1) Unless such person shall be placed on probation for a
16 minimum of two years; or

17 (2) In a circuit where a DWI court or docket created under
18 section 478.007 or other court-ordered treatment program is
19 available, and where the offense was committed with
20 fifteen-hundredths of one percent or more by weight of alcohol in
21 such person's blood unless the individual participates in and
22 successfully completes a program under such DWI court or docket
23 or other court-ordered treatment program.

24 5. When a person is not granted a suspended imposition of
25 sentence for the reasons described in subsection 4 of this
26 section:

27 (1) If the individual operated the vessel with
28 fifteen-hundredths to twenty-hundredths of one percent by weight

1 of alcohol in such person's blood, the required term of
2 imprisonment shall be not less than forty-eight hours;

3 (2) If the individual operated the vessel with greater than
4 twenty-hundredths of one percent by weight of alcohol in such
5 person's blood, the required term of imprisonment shall be not
6 less than five days.

7 6. If a person is found guilty of a second or subsequent
8 offense of boating with an excessive blood alcohol content, the
9 court may order the person to submit to a period of continuous
10 alcohol monitoring or verifiable breath alcohol testing performed
11 a minimum of four times per day as a condition of probation.

12 7. A person found guilty of the offense of boating with
13 excessive blood alcohol content:

14 (1) As a prior boating offender, persistent boating
15 offender, aggravated boating offender, chronic boating offender
16 or habitual boating offender shall not be granted a suspended
17 imposition of sentence or be sentenced to pay a fine in lieu of a
18 term of imprisonment, section 557.011 to the contrary
19 notwithstanding;

20 (2) As a prior boating offender, shall not be granted
21 parole or probation until he or she has served a minimum of ten
22 days imprisonment:

23 (a) Unless as a condition of such parole or probation such
24 person performs at least two hundred forty hours of community
25 service under the supervision of the court in those jurisdictions
26 which have a recognized program for community service; or

27 (b) The offender participates in and successfully completes
28 a program established under section 478.007 or other

1 court-ordered treatment program, if available;

2 (3) As a persistent boating offender, shall not be granted
3 parole or probation until he or she has served a minimum of
4 thirty days imprisonment:

5 (a) Unless as a condition of such parole or probation such
6 person performs at least four hundred eighty hours of community
7 service under the supervision of the court in those jurisdictions
8 which have a recognized program for community service; or

9 (b) The offender participates in and successfully completes
10 a program established under section 478.007 or other
11 court-ordered treatment program, if available;

12 (4) As an aggravated boating offender, shall not be
13 eligible for parole or probation until he or she has served a
14 minimum of sixty days imprisonment;

15 (5) As a chronic or habitual boating offender, shall not be
16 eligible for parole or probation until he or she has served a
17 minimum of two years imprisonment; and

18 (6) Any probation or parole granted under this subsection
19 may include a period of continuous alcohol monitoring or
20 verifiable breath alcohol testing performed a minimum of four
21 times per day.

22 577.037. 1. Upon the trial of any person for any criminal
23 offense or violations of county or municipal ordinances, or in
24 any license suspension or revocation proceeding pursuant to the
25 provisions of chapter 302, arising out of acts alleged to have
26 been committed by any person while operating a vehicle, vessel,
27 or aircraft, or acting as a flight crew member of any aircraft,
28 while in an intoxicated condition or with an excessive blood

1 alcohol content, the amount of alcohol in the person's blood at
2 the time of the act, as shown by any chemical analysis of the
3 person's blood, breath, saliva, or urine, is admissible in
4 evidence and the provisions of subdivision (5) of section 491.060
5 shall not prevent the admissibility or introduction of such
6 evidence if otherwise admissible.

7 2. If a chemical analysis of the defendant's breath, blood,
8 saliva, or urine demonstrates there was eight-hundredths of one
9 percent or more by weight of alcohol in the person's blood, this
10 shall be prima facie evidence that the person was intoxicated at
11 the time the specimen was taken. If a chemical analysis of the
12 defendant's breath, blood, saliva, or urine demonstrates that
13 there was less than eight-hundredths of one percent of alcohol in
14 the defendant's blood, any charge alleging a criminal offense
15 related to the operation of a vehicle, vessel, or aircraft while
16 in an intoxicated condition [or with an excessive blood alcohol
17 content] shall be dismissed with prejudice unless one or more of
18 the following considerations cause the court to find a dismissal
19 unwarranted:

20 (1) There is evidence that the chemical analysis is
21 unreliable as evidence of the defendant's intoxication at the
22 time of the alleged violation due to the lapse of time between
23 the alleged violation and the obtaining of the specimen;

24 (2) There is evidence that the defendant was under the
25 influence of a controlled substance, or drug, or a combination of
26 either or both with or without alcohol; or

27 (3) There is substantial evidence of intoxication from
28 physical observations of witnesses or admissions of the

1 defendant.

2 3. Percent by weight of alcohol in the blood shall be based
3 upon grams of alcohol per one hundred milliliters of blood or
4 grams of alcohol per two hundred ten liters of breath.

5 4. The foregoing provisions of this section shall not be
6 construed as limiting the introduction of any other competent
7 evidence bearing upon the question of whether the person was
8 intoxicated.

9 5. A chemical analysis of a person's breath, blood, saliva
10 or urine, in order to give rise to the presumption or to have the
11 effect provided for in subsection 2 of this section, shall have
12 been performed as provided in sections 577.020 to 577.041 and in
13 accordance with methods and standards approved by the state
14 department of health and senior services.

15 577.060. 1. A person commits the offense of leaving the
16 scene of an accident when:

17 (1) Being the operator of a vehicle or a vessel involved in
18 an accident resulting in injury or death or damage to property of
19 another person; and

20 (2) Having knowledge of such accident he or she leaves the
21 place of the injury, damage or accident without stopping and
22 giving the following information to the other party or to a law
23 enforcement officer, or if no law enforcement officer is in the
24 vicinity, then to the nearest law enforcement agency:

25 (a) His or her name;

26 (b) His or her residence, including city and street number;

27 (c) The registration or license number for his or her
28 vehicle or vessel; and

1 (d) His or her operator's license number, if any.

2 2. For the purposes of this section, all law enforcement
3 officers shall have jurisdiction, when invited by an injured
4 person, to enter the premises of any privately owned property for
5 the purpose of investigating an accident and performing all
6 necessary duties regarding such accident.

7 3. The offense of leaving the scene of an accident is:

8 (1) A class A misdemeanor; or

9 (2) A class E felony if:

10 (a) Physical injury was caused to another party; or

11 (b) Damage in excess of one thousand dollars was caused to
12 the property of another person; or

13 (c) The defendant has previously been found guilty of any
14 offense in violation of this section; or committed in another
15 jurisdiction which, if committed in this state, would be a
16 violation of an offense [in] of this section.

17 4. A law enforcement officer who investigates or receives
18 information of an accident involving an all-terrain vehicle and
19 also involving the loss of life or serious physical injury shall
20 make a written report of the investigation or information
21 received and such additional facts relating to the accident as
22 may come to his or her knowledge, mail the information to the
23 department of public safety, and keep a record thereof in his or
24 her office.

25 5. The provisions of this section shall not apply to the
26 operation of all-terrain vehicles when property damage is
27 sustained in sanctioned all-terrain vehicle races, derbies and
28 rallies.

1 578.007. The provisions of section 574.130, sections
2 578.005 to 578.023 shall not apply to:

3 (1) Care or treatment performed by a licensed veterinarian
4 within the provisions of chapter 340;

5 (2) Bona fide scientific experiments;

6 (3) Hunting, fishing, or trapping as allowed by chapter
7 252, including all practices and privileges as allowed under the
8 Missouri Wildlife Code;

9 (4) Facilities and publicly funded zoological parks
10 currently in compliance with the federal "Animal Welfare Act" as
11 amended;

12 (5) Rodeo practices currently accepted by the Professional
13 Rodeo Cowboy's Association;

14 (6) The killing of an animal by the owner thereof, the
15 agent of such owner, or by a veterinarian at the request of the
16 owner thereof;

17 (7) The lawful, humane killing of an animal by an animal
18 control officer, the operator of an animal shelter, a
19 veterinarian, or law enforcement or health official;

20 (8) With respect to farm animals, normal or accepted
21 practices of animal husbandry;

22 (9) The killing of an animal by any person at any time if
23 such animal is outside of the owned or rented property of the
24 owner or custodian of such animal and the animal is injuring any
25 person or farm animal but shall not include police or guard dogs
26 while working;

27 (10) The killing of house or garden pests; or

28 (11) Field trials, training and hunting practices as

1 accepted by the Professional Houndsmen of Missouri.

2 579.015. 1. A person commits the offense of possession of
3 a controlled substance if he or she knowingly possesses a
4 controlled substance, except as authorized by this chapter or
5 chapter 195.

6 2. The offense of possession of any controlled substance
7 except thirty-five grams or less of marijuana or any synthetic
8 cannabinoid is a class D felony.

9 3. The offense of possession of more than ten grams but
10 thirty-five grams or less [than thirty-six grams] of marijuana or
11 any synthetic cannabinoid is a class A misdemeanor.

12 4. The offense of possession of not more than ten grams of
13 marijuana or any synthetic cannabinoid is a class D misdemeanor.
14 If the defendant has previously been found guilty of any offense
15 of the laws related to controlled substances of this state, or of
16 the United States, or any state, territory, or district, the
17 offense is a class A misdemeanor. Prior findings of guilt shall
18 be pleaded and proven in the same manner as required by section
19 558.021.

20 5. In any complaint, information, or indictment, and in any
21 action or proceeding brought for the enforcement of any provision
22 of this chapter or chapter 195, it shall not be necessary to
23 include any exception, excuse, proviso, or exemption contained in
24 this chapter or chapter 195, and the burden of proof of any such
25 exception, excuse, proviso or exemption shall be upon the
26 defendant.

27 632.520. 1. For purposes of this section, the following
28 terms mean:

1 (1) "Employee of the department of mental health", a person
2 who is an employee of the department of mental health, an
3 employee or contracted employee of a subcontractor of the
4 department of mental health, or an employee or contracted
5 employee of a subcontractor of an entity responsible for
6 confining offenders as authorized by section 632.495;

7 (2) "Offender", a person ordered to the department of
8 mental health after a determination by the court that the person
9 meets the definition of a sexually violent predator, a person
10 ordered to the department of mental health after a finding of
11 probable cause under section 632.489, or a person committed for
12 control, care, and treatment by the department of mental health
13 under sections 632.480 to 632.513;

14 (3) "Secure facility", a facility operated by the
15 department of mental health or an entity responsible for
16 confining offenders as authorized by section 632.495.

17 2. No offender shall knowingly commit violence to an
18 employee of the department of mental health or to another
19 offender housed in a secure facility. Violation of this
20 subsection shall be a class B felony.

21 3. No offender shall knowingly damage any building or other
22 property owned or operated by the department of mental health.
23 Violation of this subsection shall be a class ~~C~~ D felony.

24 Section B. The repeal and reenactment of sections 192.2260,
25 301.559, 339.100, 400.9-501, 565.032, 571.020, 571.030, 571.060,
26 571.063, 571.070, 571.072, and 632.520, and the repeal and
27 reenactment of the first occurrence of section 563.046 of this
28 act shall become effective on January 1, 2017.

1 Section C. Because of the need to clarify Missouri's deadly
2 force statute to align with supreme court precedent, the repeal
3 and reenactment of the second occurrence of section 563.046 of
4 this act is deemed necessary for the immediate preservation of
5 the public health, welfare, peace and safety, and is hereby
6 declared to be an emergency act within the meaning of the
7 constitution, and the repeal and reenactment of the second
8 occurrence of section 563.046 of this act shall be in full force
9 and effect upon its passage and approval.